

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

~~~~~

STACIE RAY, BASIL ARGENTO, JANE DOE,  
AND ASHLEY BRED A,  
Plaintiffs,

vs. Civil Action No.  
2:18-CV-00272-MHW-CMV

AMY ACTON, IN HER OFFICIAL CAPACITY  
AS DIRECTOR OF THE OHIO DEPARTMENT  
OF HEALTH, et al.,

Defendants.

~~~~~

Deposition of
ASHLEY BRED A

August 21, 2019

12:00 p.m.

Taken at:

Calfee Halter & Griswold, LLP
41 South High Street, Suite 1200
Columbus, Ohio

Kimberly A. Kaz, RPR, Notary Public

1 APPEARANCES:

2
3 On behalf of the Plaintiffs:

4 Lambda Legal, by

5 KARA N. INGELHART, ESQ.

6 (via videoconference)

7 105 West Adams Street, Suite 2600

8 Chicago, Illinois 60603

9 (312) 663-4413

10 kingelhart@lambdalegal.org

11
12 On behalf of the Defendants:

13 Calfee Halter & Griswold, LLP, by

14 JAKE BLAKE, ESQ.

15 41 South High Street, Suite 1200

16 Columbus, Ohio 43215

17 (614) 621-7789

18 jblake@calfee.com

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20
21 Also present:

22 Rachel Belenker, Esq.

TRANSCRIPT INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES	2
INDEX OF EXHIBITS	4
EXAMINATION OF ASHLEY BREDÁ	
By Mr. Blake	5
REPORTER'S CERTIFICATE	122
EXHIBIT CUSTODY	
EXHIBITS RETAINED BY COURT REPORTER	

INDEX OF EXHIBITS

NUMBER	DESCRIPTION	MARKED
Exhibit 7	Birth Certificate.....	78

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
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18
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20
21
22
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1 ASHLEY BRED A, of lawful age, called
2 for examination, as provided by the Federal
3 Rules of Civil Procedure, being by me first
4 duly sworn, as hereinafter certified, deposed
5 and said as follows:

6 EXAMINATION OF ASHLEY BRED A
7 BY MR. BLAKE:

8 Q. Could you please state and spell
9 your name for the record?

10 A. My name is Ashley Bred a,
11 A-s-h-l-e-y B-r-e-d-a.

12 Q. Okay. And you're here to testify
13 as -- as the plaintiff or one of the plaintiffs
14 in the case by you, among others, against the
15 Ohio Department of Health, among others; is
16 that right?

17 A. I do apologize. Can you repeat
18 that again? You cut out.

19 Q. Yes. You're one of the plaintiffs
20 in a case against the Ohio Department of
21 Health, among others, correct?

22 A. Yes.

23 Q. And you're here to testify in a
24 deposition in that case, right?

25 A. Yes.

1 Q. Okay. And as we've already
2 experienced, you're by video and we're by
3 video, and so sometimes the audio is a little
4 challenging, so if we could all take extra care
5 to speak clearly and slowly, I think that will
6 help the court reporter. Is that okay with
7 you?

8 A. Yes.

9 Q. And I suspect that from time to
10 time, the court reporter is going to interrupt
11 and indicate to either you or me that she did
12 not get the -- the last statement clearly, and
13 so we may have to backtrack to some respect.

14 A. Understood.

15 Q. Okay. Ms. Breda, is this your
16 first deposition that you've ever sat for?

17 A. Yes.

18 Q. Never testified in any sort of case
19 either as a party or a witness or anything like
20 that?

21 A. No.

22 Q. All right. So just to lay some
23 very basic ground rules, seeing as how this --
24 this might be a first-time experience for you.
25 As you know, there's a court reporter. That

1 court reporter is copying everything
2 stenographically, and in order for her to do
3 that, only one of us can talk at a time. Do
4 you understand?

5 A. Yes, I do.

6 Q. All right. And I'll try to make an
7 effort not to speak over you as well, and I'm
8 sure we'll both, at various points throughout
9 the day, foul that up.

10 The other thing that's important is
11 that all of our answers, all of your answers in
12 particular are auditory. The court reporter's
13 very good, but she can't type down a nod or
14 shake of the head, and even some, like,
15 utterances like "um," "uh-huh" are ambiguous
16 when she types them. So if we could answer
17 questions, you know, with -- orally and to the
18 extent needed, you know, with "yes" or "no" and
19 things like that. Does that make sense?

20 A. Yes.

21 Q. Look at that. You're already --
22 you've already got it. All right. Hold on.
23 We're going to take a brief pause since my IT
24 person is poking their head in, so wait one
25 second and we'll go off the record.

1 (Discussion held off the record.)

2 Q. Okay. The other, I think,
3 important rule is that if you ever need to take
4 a break or stop, go to the restroom, just step
5 out of the room for whatever reason, it's your
6 deposition, you can ask for a break. And so
7 long as a question is not pending, you know,
8 I'll -- everyone will agree and then the
9 deposition will just pause and you'll go do
10 whatever it is you think you need to do and
11 then we'll come back and continue the
12 deposition. Do you understand that?

13 A. Yes.

14 Q. Okay. Other than that, you know,
15 if anything else comes up, we'll just sort of
16 fix it as we go, but those are kind of the main
17 pieces that trip people up for the first time.
18 So with that, we can turn into some of the more
19 substantive matters. Is that all right with
20 you?

21 A. Yes.

22 Q. Okay. So the first thing I'd like
23 to do is just lay the ground work for some
24 terminology that I want to use during the
25 deposition. The first term is "ODH," and

1 that's an acronym for Ohio Department of
2 Health. That is one of the defendants in this
3 case, but I'm going to just generically refer
4 to all the defendants as the Department of
5 Health or the Ohio Department of Health or ODH,
6 if that's okay with you.

7 A. Yes.

8 Q. Okay. I also am going to use the
9 term "transgender" or "transgendered" or
10 "transgenderism" collectively. You will
11 understand those or we can agree that those
12 refer to someone whose gender identity does not
13 align with his or her birth or biological sex.
14 Do you understand that?

15 MS. INGELHART: Objection. Calls
16 for expert testimony. These terms of art are
17 at issue in the case. You can answer.

18 Q. Yeah, but you understand that I'm
19 using -- when I use the word "transgender,"
20 that's what I'm referring to?

21 MS. INGELHART: Same objection.
22 Standing objection to terms of art, but you can
23 answer.

24 THE WITNESS: Okay.

25 MR. BLAKE: And your standing

1 objection is noted. So I understand there's a
2 dispute in this litigation regarding the terms
3 "gender" and "sex" and those sorts of things.

4 MS. INGELHART: Thanks, Jake.

5 Q. Similarly, "cisgendered," sort of
6 the reverse of the last term, someone who whose
7 gender identity aligns with their birth or
8 biological sex. If I happen to use that term,
9 you'll understand that's what I mean. Is that
10 okay?

11 MS. INGELHART: And I just want to
12 clearly object for the record, not to belabor
13 the point, but the objection is to the fact
14 that these kind of terms and qualifications
15 call for expert testimony and it's not just the
16 word "cisgender" that you're requesting
17 clarification on, it's the word "sex,"
18 "gender," "biological sex," et cetera, that are
19 at issue. Thank you.

20 MR. BLAKE: Understood.

21 Q. Can you answer the question?

22 A. Okay.

23 Q. All right. Yeah. Okay. Let's
24 talk a little bit about your background. What
25 is your address?

1

2

3

4

Q. And what is your highest level of education?

5

A. I have a Bachelor's degree.

6

7

Q. What did you obtain your Bachelor's degree in?

8

A. Criminal justice.

9

10

Q. When did you obtain your Bachelor's degree in criminal justice?

11

12

A. I'm sorry. Do you mean when did I graduate or when did I start?

13

14

Q. When did you obtain the degree? When did you graduate?

15

A. I graduated, I believe, in 2013.

16

Q. 2013?

17

A. No, '14.

18

19

Q. '14. And was that a four-year degree?

20

A. Yes.

21

22

Q. And where did you -- what institution did you obtain the degree from?

23

A. Youngstown State University.

24

25

Q. Is that where you're from, that area, Youngstown area?

1 A. Yes.

2 Q. And how old are you?

3 A. Twenty-nine.

4 Q. When you graduated Youngstown, did
5 you -- did you work anywhere immediately
6 following your graduation?

7 A. Yes, I did.

8 Q. Where did you work?

9 A. After my graduation, I worked at
10 Mahoning Valley Race Course as a security
11 officer.

12 Q. I think you said the Mahoning
13 Valley --

14 A. I'm not sure what it's called now,
15 but it's the Mahoning Valley Race Course,
16 C-o-u-r-s-e.

17 Q. Oh, race course. Mahoning Valley
18 Race Course, okay, as a security guard?

19 A. Yes.

20 Q. And how long did you do that for?

21 A. Almost six months.

22 Q. Okay. And so approximately six
23 months after starting as a security guard, you
24 left that job, and what did you do next?

25 A. I worked at Alorica.

1 Q. Could you spell that?

2 A. It's A-l-o-r-i-c-a.

3 Q. Alorica?

4 A. A-l-o-r-i-c-a.

5 Q. Oh, Alorica.

6 A. Yes.

7 Q. And what kind of company is
8 Alorica?

9 A. It's a call center.

10 Q. Is that where you work now?

11 A. No.

12 Q. All right. How long did you work
13 at Alorica?

14 A. Almost three years.

15 Q. Three years. Okay. And when did
16 you leave, approximately?

17 A. I left beginning of 2018.

18 Q. And why did you leave?

19 A. I moved to Phoenix, Arizona.

20 Q. Where is Alorica located?

21 A. It is located in Warren, Ohio.

22 Q. Oh, it's in Warren. Okay. Why did
23 you decide to move to Phoenix, Arizona?

24 A. I wanted a change.

25 Q. Any other reason?

1 A. No.

2 Q. Just -- just wanted a change of
3 scenery, get out of the midwest, huh?

4 A. Yes.

5 Q. All right. So you would have been
6 about 27, 28 at the time you moved out to
7 Phoenix?

8 A. Yes.

9 Q. Did you have work when you moved to
10 Phoenix or did you just kind of pull up root
11 and say catch as catch can?

12 A. I pulled up root and didn't have a
13 job lined up.

14 Q. Okay. And do you have a job now?

15 A. Yes, I do.

16 Q. All right. Was that the -- well,
17 let's back up.

18 When did you get employment after
19 moving to Phoenix?

20 A. Between April and May.

21 Q. Of?

22 A. Of last year.

23 Q. Of 2018?

24 A. 2018.

25 Q. And who was that with?

1 A. That is with Asurion,
2 A-s-u-r-i-o-n.

3 Q. Asurion. And is that where you
4 work now?

5 A. Yes.

6 Q. That's your current employer,
7 Asurion?

8 A. Yes.

9 Q. What kind of company is Asurion?

10 A. A call center.

11 Q. And what's your title at Asurion?

12 A. I'm a tech support agent. I don't
13 know my exact title. It's changed multiple
14 times.

15 Q. Tech support agent?

16 A. Yes.

17 Q. And so is Asurion, you know, like a
18 company where if people are having various
19 technical problems with something, they call
20 the help line and it gets to you and then you
21 try to walk them through and resolve whatever
22 problem they're having? Is that accurate?

23 A. Yes. They're also the phone
24 insurance company.

25 Q. Oh, okay. And so if I were to call

1 with an issue, depending on what I'm calling
2 about, I might get routed to you; is that
3 accurate?

4 A. Depending on which carrier you
5 have, yes.

6 Q. Okay. So you've been there about a
7 year and a half?

8 A. Just over a year.

9 Q. Just over a year. Any other
10 employment since graduating from Youngstown
11 that we haven't covered or discussed?

12 A. I don't believe so. I worked for
13 Sam's Club, but I believe I finished that
14 before I graduated. If not, it would have been
15 shortly afterwards.

16 Q. Okay. Do you have any areas of
17 special expertise or knowledge which you may
18 have developed either during your education or
19 since you graduated that would not necessarily
20 fall into areas of criminal justice or the --
21 the jobs that we've talked about thus far?

22 A. No.

23 Q. You understand that sex and gender
24 are two different concepts, right?

25 MS. INGELHART: Objection. Calls

1 for expert testimony.

2 Q. Go ahead and answer.

3 A. As far as that goes, I would
4 consider them the same.

5 Q. Okay. You're not a medical doctor,
6 so you don't consider yourself having any
7 special expertise on a person's biological sex,
8 right?

9 MS. INGELHART: Objection. Calls
10 for expert testimony and to the standing
11 objection about terms of art, but you can
12 answer.

13 THE WITNESS: Yeah.

14 Q. Well, you're not a medical doctor,
15 right?

16 A. No.

17 Q. And you don't consider yourself
18 having expertise on biological sex, right?

19 MS. INGELHART: Objection. Calls
20 for expert testimony as to the term of art.
21 Standing objection, but you can answer.

22 THE WITNESS: I do not.

23 Q. And from a medical perspective, do
24 you understand how a person's sex is
25 determined?

1 MS. INGELHART: Objection. Calls
2 for expert testimony, but you can answer.

3 THE WITNESS: I do.

4 Q. So what is your understanding of
5 how a person's biological sex is determined?

6 MS. INGELHART: Objection. Calls
7 for expert testimony.

8 THE WITNESS: In my personal
9 opinion, sex and gender are the same and it's
10 dependent on the gender identity of the
11 individuals.

12 Can I take a break?

13 Q. Is that the end of your
14 understanding? Have you finished answering
15 question?

16 A. Yes.

17 Q. Yep, you can take a break.

18 (Recess taken.)

19 Q. So we left off, you had said that
20 your understanding of how a person's biological
21 sex is determined is based on their gender
22 identity. Is that -- is that accurate? Does
23 that accurately reflect your testimony?

24 MS. INGELHART: Objection.
25 Misstates testimony and also calls for expert

1 testimony, but you can answer.

2 THE WITNESS: I said I believe sex
3 and gender are the same thing.

4 Q. And then what is your understanding
5 of how a person's biological sex is determined?

6 MS. INGELHART: Objection. Calls
7 for expert testimony. You can answer.

8 THE WITNESS: I'm not entirely
9 certain.

10 Q. Okay. So -- and maybe I misheard
11 your testimony before we took a break, but you
12 testified that you thought it depended on
13 someone's gender identity. Are you -- are you
14 saying that it may depend on that or other
15 things, or are you saying you just don't know?

16 MS. INGELHART: Objection. Vague.
17 Misstates prior testimony, but you can answer.

18 THE WITNESS: I believe you
19 stated -- you said "sex" before and you're
20 saying "biological sex" now, that's why I
21 was --

22 Q. Let me ask you this: In your mind,
23 is there a difference between someone's
24 biological sex and sex?

25 MS. INGELHART: Objection. Calls

1 for expert testimony. You can answer.

2 THE WITNESS: I am not sure how to
3 answer that question.

4 Q. So you don't know if there's a
5 difference between biological sex and sex?

6 A. Correct.

7 MS. INGELHART: Objection. Expert
8 testimony. That's fine.

9 Q. And you don't know if there's a
10 difference between someone's sex or gender?

11 MS. INGELHART: Objection. Calls
12 for expert testimony. You can answer.

13 THE WITNESS: I believe that's the
14 same thing.

15 Q. Okay. And then what about the
16 difference between someone's biological sex and
17 their gender, do you know if there's a
18 difference between those two things?

19 MS. INGELHART: Objection. Calls
20 for expert testimony.

21 THE WITNESS: I'm unfamiliar with
22 that term, but I don't believe it -- there's a
23 difference.

24 Q. Do you have an understanding of how
25 a person's gender identity is determined?

1 MS. INGELHART: Objection. Calls
2 for expert testimony, but you can answer.

3 THE WITNESS: Personally, I do.

4 Q. Okay. What is your -- what is your
5 personal understanding?

6 A. My personal understanding is that
7 is determined by what they present as.

8 Q. And "they" being the individual?

9 A. Yes.

10 Q. You're not a psychiatrist or
11 psychologist, are you?

12 A. No.

13 Q. You don't consider yourself an
14 expert on gender or gender identity, do you?

15 A. I do not.

16 Q. You haven't taken any courses on
17 distinction between sex and gender, right?

18 A. I have not.

19 Q. You don't have an certifications or
20 degrees under which you've achieved -- that
21 you've achieved, sorry, on the distinction
22 between sex and gender?

23 A. I do not.

24 Q. You haven't published any papers on
25 the distinction between sex and gender?

1 A. I have not.

2 Q. Nor have you given any talks or
3 presentations on the topic of sex and gender?

4 A. I have not.

5 Q. Do you believe birth certificates
6 are a form of identification?

7 MS. INGELHART: Objection. Calls
8 for expert testimony and legal conclusion, but
9 you can answer.

10 THE WITNESS: Personally, I do.

11 Q. And do you believe that birth
12 certificates reflect a person's biological data
13 that exists at the time of birth?

14 MS. INGELHART: Objection.
15 Apologies. Objection. Calls for expert
16 testimony and legal conclusion.

17 THE WITNESS: Can you clarify the
18 question?

19 Q. I can repeat it and then we can go
20 from there. If you need further clarification,
21 I'm happy to do so.

22 Do you believe that birth
23 certificates reflect biological data that
24 exists at the time of an individual's birth?

25 MS. INGELHART: Same objection.

1 THE WITNESS: I apologize, but what
2 do you mean by "biological data"?

3 Q. Okay. So do you understand what
4 the term "biological data" means?

5 A. Not completely.

6 Q. Would you consider a person's name
7 biological data?

8 MS. INGELHART: Objection. Calls
9 for legal conclusion and to the term of art
10 issue we've been discussing. It appears that
11 "biological information" is being used as a
12 term of art and plaintiff isn't an expert in
13 such definition, but you can answer.

14 THE WITNESS: Can you give me the
15 definition of it?

16 Q. Well, I can try. I think it might
17 be more productive, though, to -- well, let's
18 put it this way: You have a Facebook page,
19 right?

20 A. I do.

21 Q. And on that Facebook page, you
22 enter certain information, your name, maybe
23 some of your interests, maybe some of your
24 hobbies, approximately where you're from or
25 where you live, right?

1 A. Yeah.

2 Q. So that's the kind of information
3 which I'm referring to as biological data. Do
4 you understand?

5 A. Yes, I do know.

6 Q. So based on that understanding, do
7 you agree that a birth certificate contains
8 biological data that exists at the time of
9 birth of an individual?

10 MS. INGELHART: Objection. Calls
11 for expert testimony, a term of art, but you
12 can answer.

13 THE WITNESS: Personally, as a form
14 of identification, I believe it should require
15 information as of -- that is current.

16 Q. Okay. So your belief is that the
17 birth certificate should have current
18 information on it, right?

19 A. That's correct.

20 Q. But I guess my question wasn't
21 about what you believe should be, my question
22 is about what actually is, and so does the
23 birth certificate contain information,
24 biological or otherwise, which existed at the
25 time of birth of the individual?

1 MS. INGELHART: Objection. Calls
2 for expert testimony and the term of art
3 issues, but you can answer.

4 THE WITNESS: It would contain
5 information from then, yes.

6 Q. Do you know whether the information
7 on the birth certificate is recorded by the
8 individual who was born or by the Ohio
9 Department of Health?

10 MS. INGELHART: Objection. Calls
11 for expert testimony. Beyond the scope of
12 plaintiff's knowledge.

13 THE WITNESS: I am not sure who
14 fills that information out. My apologies.

15 Q. So you don't know who fills it out?

16 A. That's correct.

17 Q. Do you have any -- well, let me ask
18 you this: Do you believe the individual who's
19 identified on the birth certificate fills out
20 the information?

21 A. Obviously not.

22 Q. But who else it might have been,
23 you don't have any idea?

24 A. That's correct. If it was the
25 parents, the Department, I am not familiar with

1 how that works.

2 Q. And do you have any understanding
3 on what ODH's role is in recording information
4 that has reported to it on the birth
5 certificate?

6 MS. INGELHART: Objection. Expert
7 testimony.

8 THE WITNESS: Not entirely.

9 Q. Well, what about partially, do you
10 have any partial understanding?

11 MS. INGELHART: Objection. Vague.

12 THE WITNESS: I understand a little
13 bit about it, but I don't know the actual
14 policies and procedures as to how it's done.

15 Q. What is your understanding about
16 how the Department of Health records that
17 information?

18 MS. INGELHART: Objection. Calls
19 for expert testimony. You can answer.

20 THE WITNESS: That some of the
21 information is recorded when the person is
22 born.

23 Q. Anything else?

24 A. No.

25 Q. Recorded by ODH, right?

1 MS. INGELHART: Objection. Expert
2 testimony. You can answer.

3 THE WITNESS: If that's who does
4 it. I wasn't sure if it was that or the
5 doctors. I'm not familiar how that procedure
6 works. I've never had a child.

7 Q. Understood.

8 To your knowledge, does the
9 individual whose information is recorded on the
10 birth certificate certify the accuracy of the
11 birth certificate?

12 MS. INGELHART: Objection. Expert
13 testimony. You can answer.

14 THE WITNESS: Do you mean, at the
15 time that it's there or later on?

16 Q. Well, let's start with at the time
17 that the birth record is prepared.

18 A. Obviously not.

19 Q. And what about in any other time
20 after that?

21 A. If there are any mistakes,
22 inconsistencies, then yes.

23 Q. Do you know what the process would
24 be for an individual to certify the accuracy of
25 their birth certificate?

1 MS. INGELHART: Objection. Calls
2 for expert testimony.

3 THE WITNESS: I do not.

4 Q. Have you ever attempted to --

5 MS. INGELHART: Calls for a legal
6 conclusion.

7 Q. Have you ever attempted to certify
8 the accuracy or mistakes, as you characterize
9 them, on your birth certificate?

10 A. I had my name changed on the birth
11 certificate, if that's what you're asking.

12 Q. No, not exactly. But other than
13 your name change, have you attempted to certify
14 any accuracies or inaccuracies or mistakes on
15 your birth record?

16 A. No.

17 Q. At the time you were born on your
18 birth record, was your name is correct?

19 MS. INGELHART: Objection. Calls
20 for legal conclusion. You can answer.

21 THE WITNESS: I suppose not.

22 Q. No. Your name was accurate as of
23 the time you were born. Later on in life, you
24 changed your name, right?

25 A. Correct.

1 Q. And then you submitted some filings
2 or paperwork with the Department of Health to
3 have that name changed on your birth record,
4 right?

5 A. I believe so, but it wasn't the
6 courthouse that I gave the information to.

7 Q. All right. The courthouse, then,
8 filed or submitted that paperwork to ODH,
9 right?

10 A. Most likely, yeah.

11 Q. Is it your understanding, then,
12 that that information was actually changed on
13 your -- on your birth record?

14 A. I was told it was.

15 Q. Have you seen a copy of your birth
16 record that includes that new information?

17 A. Yes.

18 Q. We'll take a look later at your
19 birth record, but I want to move on to another
20 topic for the moment.

21 Do you hold yourself out as a
22 transgendered individual to the public?

23 MS. INGELHART: Objection. Vague.

24 THE WITNESS: What do you mean by
25 that exactly?

1 Q. Well, I mean, do you advertise the
2 fact that you're transgendered?

3 MS. INGELHART: Objection. Vague.
4 Foundation.

5 THE WITNESS: To the public, no.

6 Q. Are you part of any groups
7 associated with transgendered individuals?

8 A. What would be your definition of
9 "groups" be?

10 Q. Any support groups or organizations
11 or charities or advocacy groups, anything.

12 A. No.

13 Q. How many people have you told that
14 you are transgendered?

15 MS. INGELHART: Objection. Vague.
16 You can answer.

17 THE WITNESS: Quite a few.

18 Q. Can you ballpark the -- the number?
19 Is it greater than 50? Is it less than 50?

20 A. I came out to my Facebook friends,
21 so I don't have an exact number.

22 Q. How many Facebook friends do you
23 have?

24 A. I'm not sure.

25 Q. Is it hundreds?

1 A. Most likely. I don't keep track of
2 that.

3 Q. So it's a number that's so great,
4 you don't even keep track of it; is that right?

5 MS. INGELHART: Objection.
6 Misstates prior testimony. You can answer.

7 THE WITNESS: No. I just don't
8 keep track of how many friends I have on
9 Facebook.

10 Q. And you've came out to all of them
11 as transgendered, correct?

12 MS. INGELHART: Objection.
13 Misstates prior testimony and is vague, but you
14 can answer.

15 THE WITNESS: Actually, no. I came
16 out a few years ago, so anyone after that may
17 not know I'm trans.

18 Q. All right. So it's your testimony
19 that you came out on Facebook a few years ago,
20 but since then, any new friends that have
21 joined or friended you on Facebook may or may
22 not know your status as a transgendered person.
23 That's your testimony?

24 A. Yes.

25 Q. You could easily find out how many

1 friends you have on Facebook, right?

2 A. Yeah.

3 Q. I know I don't have an exhibit to
4 show you of your Facebook page, but I've had a
5 chance to look at it, and on the top of your
6 Facebook page, on your -- at the top of your
7 profile, there's a picture of someone who looks
8 like you. Does that ring a bell?

9 MS. INGELHART: Objection. Lacks
10 foundation and speculation, but you can answer.

11 THE WITNESS: Are you talking about
12 my profile picture?

13 Q. I'm talking about your Facebook
14 profile picture to which your attorney has
15 objected on foundation grounds, yes.

16 A. Yes.

17 Q. And it says your name, Ashley
18 Breda, right?

19 A. Ashley Breda.

20 Q. Ashley Breda, right?

21 A. Yes.

22 Q. And then right underneath that,
23 there's a box labeled "intro," and on that book
24 box, it says: I'm a 29-year-old trans woman
25 who lives all things anime, gaming and tech

1 related.

2 Does that ring a bell?

3 MS. INGELHART: Same objection to
4 foundation and calling for speculation, but you
5 can answer.

6 THE WITNESS: I actually didn't
7 realize it said that. My Facebook login
8 changed and there's no intros anymore.

9 Q. So does that change your answer on
10 whether or not the entire collection of your
11 Facebook friends, which you said likely numbers
12 in the hundreds, know about your status as a
13 transgendered individual?

14 MS. INGELHART: Objection. Calls
15 for speculation.

16 THE WITNESS: I said I --

17 Q. I'm sorry. It came back again.
18 It's not you, it's the system. It's literally
19 cutting out.

20 A. Okay. I said I speculate that most
21 do, but I'm sure there's a few who don't.

22 Q. And that's because you've
23 advertised that on the front page of your
24 Facebook profile that you are a 29-year-old
25 trans woman, right?

1 MS. INGELHART: Misstates --
2 objection. Misstates prior testimony and lack
3 of foundation, but you can answer.

4 THE WITNESS: To my friends, yes.
5 I believe my Facebook is private.

6 Q. Would a private Facebook account
7 prevent people from viewing this information
8 about you being a trans woman?

9 MS. INGELHART: Objection. Calls
10 for speculation. Lack of foundation. You can
11 answer.

12 THE WITNESS: I thought it did.

13 Q. That -- if -- well, that wouldn't
14 explain how I was able to just type it in and
15 look it up, though, right?

16 MS. INGELHART: Objection. Calls
17 for speculation. You can answer.

18 THE WITNESS: Yes. You taught me
19 something new.

20 Q. Well, I think we've all
21 demonstrated that I am not technological expert
22 today 'cause I couldn't even turn up the volume
23 on the video conferencing, so I will assure you
24 I didn't do anything highly advanced to get
25 onto your Facebook page, and it says what it

1 says. And so, I mean, you would agree that at
2 least that information is available to the
3 public at large, right?

4 MS. INGELHART: Objection. Calls
5 for speculation. You can answer.

6 THE WITNESS: From the information
7 you've given me, I suppose it is.

8 Q. And while we're on the subject,
9 let's just briefly talk about your Twitter
10 handle. You have a Twitter handle or you tweet
11 as @ [REDACTED] is that right?

12 A. That's correct.

13 Q. And if you go to that Twitter
14 handle, it -- it says Ashley Breda at the top
15 and @ [REDACTED] right?

16 MS. INGELHART: Objection.
17 Foundation. You can answer.

18 THE WITNESS: I believe so, yes.

19 Q. And then you've got, like, on your
20 banner, it looks like some screen captures or
21 graphics related to some anime and final
22 fantasy. Does that ring a bell?

23 A. Yes.

24 MS. INGELHART: Objection.
25 Foundation. It's fine. You can answer.

1 Q. And like your Facebook account, at
2 least some aspects of your Twitter account are
3 open to the public, are they not?

4 MS. INGELHART: Objection.
5 Foundation. Speculation. You can answer.

6 THE WITNESS: I would assume so.

7 Q. And anyone with log onto Twitter
8 and see that you, Ashley Breda, tweet under the
9 handle of [REDACTED] right?

10 A. Yeah.

11 MS. INGELHART: Calls for
12 speculation. You can answer.

13 Q. And like your Facebook page, it
14 says you're 29, right?

15 A. Yes.

16 Q. And it also says you're trans,
17 right?

18 A. It does.

19 Q. And "trans" is short for
20 "transgender," right?

21 A. Yes.

22 Q. And it also says [REDACTED] right?

23 MS. INGELHART: Objection.
24 Foundation. You can answer.

25 THE WITNESS: That's correct.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 MS. INGELHART: Objection. Sorry.
7 Objection. Calls for expert testimony and to
8 the standing objection on terms of art at issue
9 in the case, but you can answer.

10 THE WITNESS: Can you repeat the
11 question?

12 Q. Yeah. I'd love to. Well, let's
13 back up.

14 [REDACTED]
15 [REDACTED]

16 MS. INGELHART: Objection. Vague,
17 but you can answer.

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 [REDACTED]
22 [REDACTED]

23 MS. INGELHART: Objection. Vague.
24 Misstates, but you can answer.

25 THE WITNESS: That's correct. [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

2 [REDACTED] [REDACTED]

3 Q. 2014, yeah.

4 A. Yeah. So it would have been
5 sometime in the beginning, in the winter to
6 spring of 2015.

7 Can I take another break?

8 MR. BLAKE: Sure. Absolutely.

9 (Recess taken.)

10 Q. So when we took a break, we were
11 just trying to understand what -- what this
12 entry [REDACTED] [REDACTED] meant on your Twitter page,
13 and I understand now, based on your testimony,

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED] [REDACTED]

17 A. Yeah.

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 A. That's correct.

21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 MS. INGELHART: Objection. Expert
24 testimony. You can answer.

25 THE WITNESS: To the best of my

1 knowledge, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 MS. INGELHART: Objection. Calls
7 for expert testimony and vague, but you can
8 answer.

9 THE WITNESS: Personally to me,
10 yes.

11 Q. And like your Facebook page, this
12 Twitter page is available for anyone, including
13 me, to go and see, right?

14 A. That's correct.

15 Q. Do you have any idea how many
16 people have gone onto your Twitter page and
17 seen that you are a -- identified as a trans?

18 MS. INGELHART: Objection.
19 Speculation. You can answer.

20 THE WITNESS: I have absolutely no
21 idea.

22 Q. You would expect that to be a large
23 number, though, right?

24 MS. INGELHART: Objection.
25 Speculation. You can answer.

1 THE WITNESS: Maybe. I don't use
2 Twitter much.

3 Q. Today's date is the 21st of August,
4 right, correct?

5 A. Probably. I actually don't know
6 the date.

7 Q. Okay. I will represent to you
8 today is August 21st, 2019, and if I have
9 messed that up, I assure you your counsel will
10 object. Assuming today is the 21st, even in
11 your time zone, on August 18th, you tweeted: I
12 love Windows 10 LOL.

13 Do you recall making that tweet?

14 MS. INGELHART: Objection.
15 Foundation. You can answer.

16 THE WITNESS: Yes.

17 Q. And on August 17th, you tweeted:
18 How is it that every fire emblem is better than
19 the last? I love it.

20 Do you recall making that tweet?

21 MS. INGELHART: Objection.
22 Foundation. You can answer.

23 THE WITNESS: I do.

24 Q. And on August 10th: This is long,
25 but it's an amazing read, and then there's some

1 link. Do you recall tweeting that?

2 MS. INGELHART: Objection.

3 Foundation. You can answer.

4 THE WITNESS: Yes. That's
5 automated.

6 Q. And on August 9th, you wrote or
7 tweeted: Sure, LOL. Right?

8 MS. INGELHART: Objection.

9 Foundation. You can answer.

10 THE WITNESS: Probably.

11 Q. All right. So that's at least four
12 tweets in the last week or so, 11 days. Is
13 that -- does that -- is that consistent with
14 your Twitter usage over the past few months?

15 MS. INGELHART: Objection.

16 Foundation, but you can answer.

17 THE WITNESS: Probably.

18 Q. So I guess with regards to a
19 question I asked previously, you know, the
20 number -- trying to put a finger on the number
21 of people you've told that you're
22 transgendered. You can't really be certain but
23 if you include Facebook friends and potential
24 people who viewed your Twitter page, that could
25 be in the hundreds, if not higher; is that fair

1 to say?

2 MS. INGELHART: Objection. Calls
3 for speculation. You can answer.

4 THE WITNESS: I would speculate
5 that's true.

6 Q. Do you know how many people have
7 found out about your transgendered status due
8 to your birth certificate?

9 MS. INGELHART: Objection. Calls
10 for speculation. You can answer.

11 THE WITNESS: I know of a few, yes.

12 Q. Which -- can you identify those few
13 instances?

14 A. When I had to present my birth
15 certificate at Alorica, and another example is
16 at the Arizona DMV or whatever it is. It's a
17 different acronym than Ohio.

18 Q. All right. So let's just take
19 those one at a time.

20 Alorica is the employer you
21 discussed earlier, which was the call center in
22 Warren, Ohio; is that right?

23 A. That's correct.

24 Q. And your testimony is that you
25 were -- you had to -- or you turned over your

1 birth certificate to that employer, what, as
2 part of your hiring process?

3 A. Yes.

4 Q. And were you required to turn over
5 that birth certificate in order to start work
6 with Alorica?

7 A. That's correct.

8 Q. And when you turned over that
9 information or your birth to Alorica, were
10 there any other documents that they would have
11 taken in substitution of the birth certificate?

12 A. They needed my birth certificate
13 and a state ID. They needed both.

14 Q. Okay. And whom at Alorica did you
15 give your birth certificate to?

16 A. The HR department.

17 Q. And when you handed it to the HR
18 department, did you hand it to a specific
19 individual or did you just put it in an
20 envelope and kind of send it into the
21 department?

22 A. I handed it to the secretary. I
23 don't know the name.

24 Q. And when you handed it to the
25 secretary, did she review the birth

1 certificate, or do you know?

2 A. She looked at it.

3 Q. All right. And do you know
4 whether -- well, did they make a copy of it and
5 give it back to you, or did you have to leave
6 it with them for a while? What do you know?

7 A. I left it with them for a while. I
8 don't know what they did with it.

9 Q. And then at some point in time,
10 they gave it back?

11 A. Yes.

12 Q. Did anyone at Alorica question you
13 about the sex identifier on your birth
14 certificate?

15 MS. INGELHART: Objection to the
16 ongoing term of art issue at issue in this
17 case, but you can answer.

18 MR. BLAKE: Yeah. And I've granted
19 you the standing objection on that term, and if
20 you want to sort of write down the terms and
21 read for the record the exact terms you're
22 objecting to. I just think if you object to
23 every single question that I have that includes
24 any one of those terms, particularly with the
25 difficulty of the video, we might be here

1 forever. So if that's satisfactory to you,
2 that's what I'd recommend. Will that work for
3 you?

4 MS. INGELHART: Yeah. So let's
5 make a list now of terms that I have heard so
6 far, and then if there's a new term introduced
7 or one that I missed, is that fine?

8 MR. BLAKE: Fantastic.

9 MS. INGELHART: Okay. So great.
10 Great. Thanks. So "sex," "biological sex,"
11 "gender," "gender identity," "transgender" and
12 variations thereof like "transgenderism" or
13 "transgendered" and also "cisgender." I
14 believe those are the terms. Do you recall any
15 others, Jake, that I've objected to?

16 MR. BLAKE: Yeah, "sex identifier."

17 MS. INGELHART: Thank you. Thank
18 you. "Sex identifier." And, yes, thank you.
19 Sorry. Apologies. I will --

20 MR. BLAKE: And just so the
21 record's clear, counsel for ODH is granting a
22 standing objection on the grounds that such
23 terms are potentially terms of art. Is that a
24 fair characterization of your objection?

25 MS. INGELHART: Yes. Thank you. I

1 appreciate it.

2 MR. BLAKE: Okay. And, of course,
3 the Department of Health and the other
4 defendants do not waive their rights to oppose
5 those objections if and when that becomes
6 necessary.

7 Q. Okay. Very good.

8 See if I can figure out where I
9 was. Alorica, Warren, Ohio, a lovely city. So
10 did anyone either from the HR department or
11 anyone else at Alorica ever talk to you about
12 the sex identifier on your birth certificate?

13 A. They did, yes.

14 Q. Okay. Who talked to you about the
15 sex identifier?

16 A. Multiple people in my HR
17 department, multiple supervisors, employees.
18 The HR department told everyone I was trans.

19 Q. So I wrote down multiple people in
20 the HR department, supervisors and other
21 employees. Is that the list?

22 A. That's correct.

23 Q. All right. Approximately when --
24 when did this occur, date?

25 A. It was once when I was first hired,

1 and also I had to present it again later on
2 down the line. I don't have exact dates.

3 Q. I don't know if I got the
4 approximate date when you started at Alorica.
5 I have that you left at the beginning of 2018,
6 and you were there for three years, so would
7 the beginning of 2015 be an approximate time
8 frame for when you started at Alorica and had
9 to hand over your birth certificate to the HR
10 department?

11 A. The beginning or middle of 2015, I
12 believe. I don't recall the exact time.

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 A. That's correct.

17 Q. And it says you joined Facebook in
18 September 2018. Have you updated your
19 introductory information since you joined in
20 September 2008?

21 A. I would assume so.

22 Q. When did you come out to your
23 friends on Facebook about your status as a
24 trans person?

25 A. Sometime in early 2015, I believe.

1 Q. So prior to --

2 A. I don't remember the exact date.

3 Q. Prior to or around the same time as
4 the time you started at Alorica?

5 A. Prior.

6 Q. Prior to that. And would you have
7 included that blurb about "I am a 29-year-old
8 trans woman who loves all things anime, gaming
9 and tech related" on your Facebook page at
10 about the same time you came out to your
11 friends on Facebook as being trans?

12 A. I don't believe so. I believe
13 that's much -- I believe that's more recent.

14 Q. Okay. Understood. But you made at
15 least some disclosure on Facebook to whomever
16 your Facebook friends were at that point about
17 your status as a trans individual, correct?

18 A. Yes.

19 Q. What did the multiple people in the
20 HR department talk to you about regarding your
21 birth certificate?

22 A. They made various jokes about it,
23 what you would expect.

24 Q. I wouldn't expect that at all,
25 frankly, and I'm sorry to hear that. But your

1 testimony is that the HR department at Alorica
2 came up to you after you handed in your birth
3 certificate and mocked you for being a
4 transgendered person; is that right?

5 A. Yes.

6 Q. All right. Well, I'm sorry to hear
7 that. I refer to my prior comment about
8 Warren, Ohio, but I guess that puts me in the
9 same boat, I suppose. I'm making fun of them.

10 All right. Anything else regarding
11 your birth certificate, or I should say
12 anything actually related to some business
13 purpose regarding the birth certificate from
14 the HR department?

15 A. Yes. They also requested when I
16 asked to use the women's bathroom, to see my
17 birth certificate again, which caused more
18 issues.

19 Q. So that's the time you said they
20 requested the birth certificate when you
21 started your employment, and then later on
22 during your employment when you were trying to
23 use the bathroom that was appropriate for your
24 gender, they wanted to see your birth
25 certificate again; is that accurate?

1 A. That's correct.

2 Q. And -- well, let's back up.

3 When you turned in your birth
4 certificate and they talked to you at the
5 beginning, they never indicated that you
6 wouldn't be hired or would be unsuitable for a
7 particular job based on your gender, right?

8 A. No.

9 Q. Okay. And then later, with the
10 bathroom incident, did you actually present
11 your birth certificate again?

12 A. I did.

13 Q. And did that resolve the issue?

14 A. It did not.

15 Q. What did they -- after you turned
16 in your birth certificate, what did they tell
17 you to do?

18 A. I believe her words were, "I'll
19 never be a woman. I'll always be a man in
20 God's eyes," and then the site director become
21 involved and let me use the bathroom.

22 Q. So who was this woman? Was it
23 someone in HR?

24 A. She was the head of HR. I don't
25 recall her name anymore.

1 Q. This was the head of HR came up to
2 you?

3 A. I do believe so, yes.

4 Q. And said that you would never be a
5 woman in God's eyes. That was the head of HR
6 for this company? Is that -- do I have that
7 right?

8 A. For that site, yes. And this was
9 in her private office.

10 Q. I understand why you left for
11 Phoenix. I think I fully understand why you
12 went to Phoenix.

13 A. I'm sorry. We're getting some
14 feedback here.

15 Q. Oh, sorry.

16 MS. INGELHART: We put ourselves on
17 mute. Yeah, I don't know what's causing it.

18 MR. BLAKE: How's that?

19 THE WITNESS: I think --

20 Q. I was just commenting that I think
21 I understand why you went to Phoenix.

22 A. Yeah.

23 Q. I don't blame you.

24 Okay. So the site supervisor at
25 Alorica got involved and allowed you to use

1 the -- the restroom appropriate for your
2 gender; is that right?

3 A. That's correct.

4 Q. And when, approximately, was that?

5 A. I don't remember the exact date. I
6 know it was maybe a couple of months after I
7 started.

8 Q. Okay. So in the beginning part of
9 your employment?

10 A. Yeah. It would have been a few
11 months after I started.

12 Q. And other than this incident with
13 the HR director and the various folks from HR
14 making jokes, were there any other -- were
15 there any other times that you were confronted
16 by HR about your gender or your birth
17 certificate or anything like that?

18 A. I don't believe so.

19 Q. Okay. Let's talk about the
20 supervisor incidents, then. Was it one
21 supervisor or many supervisors?

22 A. The HR lead told -- from what I was
23 told, she told everyone.

24 Q. So the head HR person -- is this
25 the same person that had the bathroom issue?

1 A. Yes.

2 Q. She told everyone. And when you
3 say "everyone," everyone that worked at that
4 site?

5 A. I'm sure not everyone, but majority
6 of the people I came in contact with found out
7 either from her or from someone she told.

8 Q. And that included some of your
9 supervisors?

10 A. That's correct.

11 Q. All right. And what did your
12 supervisors do with that information?

13 A. Well, some of them started treating
14 me differently. A few of them, from that
15 point, purposely misgendered me and offhand
16 comments.

17 Q. How did they treat you differently?

18 A. I'm not sure how to put that into
19 words.

20 Q. So you're unable to -- you're
21 unable to -- you're unable to convey the way in
22 which they were treating you differently? Is
23 it just your general sense?

24 A. That, and like I said, some of them
25 would -- started purposely misgendering me and I

1 stopped being called for a couple of things by
2 them.

3 Q. You stopped being called for, like,
4 certain tasks or work?

5 A. Both, yeah.

6 Q. So you felt as if your supervisors
7 were intentionally directing work away from you
8 based on your gender?

9 A. Some of them, yes.

10 Q. Some, but not all?

11 A. Correct.

12 Q. And you said misgendered. What do
13 you mean by misgendering you?

14 A. I mean as far as spread that I was
15 trans, everyone referred to me as "he"
16 afterwards. Quite a few people started saying
17 "he."

18 Q. Okay. And the offhanded comments
19 coming from your supervisors, what did those
20 entail?

21 A. Various comments involving --
22 trying to think of a way to put this in a kind
23 official way, but my downstairs area.

24 Q. So they would -- they would
25 actually remark on your anatomy?

1 A. That's correct.

2 Q. At a place of work?

3 A. That's correct.

4 Q. In 2015?

5 A. That's correct.

6 Q. Okay. And then you -- you
7 mentioned coworkers, other employees. Could
8 you describe the circumstances involving those
9 individuals?

10 A. I know quite a few made comments
11 behind my back. I don't know exactly what the
12 comments are, but I do know quite a few of them
13 were very, very much anti-trans.

14 Q. So you don't --

15 A. And it made me very uncomfortable.

16 Q. Did you overhear any of the
17 comments?

18 A. I did, but I don't recall what the
19 exact comments were.

20 Q. So you overheard anti-trans
21 comments being relayed by some of your -- your
22 colleagues at work. Would you characterize it
23 as a handful or -- or some? I mean, what
24 number of colleagues?

25 A. I would probably say a handful.

1 Q. Okay. So not -- not most, but some
2 of your -- your colleagues were passing around
3 sort of anti-transgendered comments; is that
4 right?

5 A. Yes.

6 Q. Did Alorica have any policies about
7 workplace harassment or hostile workplace
8 activities?

9 MS. INGELHART: Objection. Calls
10 for speculation. You can answer.

11 THE WITNESS: For some things, not
12 others. It wasn't until the -- near the end of
13 my tenure that they added being trans to that
14 list.

15 Q. Oh, so when you joined Alorica,
16 they had a workplace harassment policy, right?

17 A. That covered some things, but not
18 that.

19 Q. And is it your understanding that
20 it covered things like probably sex and race
21 and religion, those sorts of things?

22 A. It covered race and religion, but
23 the original guideline did not -- I don't
24 believe it said that.

25 Q. Oh, okay. So -- but sometime

1 during your employment, they -- they added --
2 well, did they add transgender to the list
3 of -- of items?

4 A. I don't recall. I do know that
5 they added sex to it.

6 Q. I see. So you don't know if they
7 specifically added transgender to their
8 workplace harassment policy, but you know they
9 added sex to their workplace harassment policy;
10 is that right?

11 A. That's correct.

12 Q. After they added sex to the
13 workplace harassment policy, did the harassment
14 against you stop?

15 A. It did.

16 Q. Were there ever any site-wide or
17 company meetings about what kind of behavior
18 was appropriate and inappropriate at the
19 workplace?

20 A. Yeah.

21 Q. And do you feel that at least some
22 of those meetings or that meeting was as a
23 result of some of the harassment that had been
24 going on against you?

25 A. It could have been. I'm not able

1 to speculate if that was the case or if that
2 was just company-wide.

3 Q. Did you report any of these
4 activities to others in the company?

5 A. You mean did I report me being
6 harassed by HR to HR?

7 Q. Well, that was going to be my next
8 question, but did -- my question was, you know:
9 Did you report any of these activities? And it
10 sounds like the answer might be no, but I want
11 you to --

12 A. I did provide these to some of my
13 immediate supervisors.

14 Q. Okay. And I understand the issues
15 with HR, which probably deterred you from
16 finding that a very useful pursuit, but did
17 you -- did you report any of this to HR?

18 A. I did complain about it, I believe,
19 and reported two of my supervisors to HR.

20 Q. Okay. But as far as whether or not
21 any action was taken based on your reports, you
22 don't know one way or the other?

23 A. No. They did not share that with
24 me.

25 Q. Except for that one time when the

1 site supervisor intervened and said, no, you
2 can use this bathroom, which matches your
3 gender?

4 A. Yes.

5 Q. All right. Okay. Very good. I
6 know that that's difficult to relay, so I
7 appreciate your willingness to go through it in
8 detail with me today.

9 All right. Let's turn our
10 attention briefly to the Arizona -- what you
11 called the DMV. I take it that you mean the
12 Arizona Department of Motor Vehicles or
13 whatever their equivalent is, right?

14 A. Yes. It's a different acronym than
15 it is in Ohio, so I get them confused.

16 Q. I'm sorry?

17 A. I said it's a different acronym
18 than in Ohio, so I get them confused.

19 Q. I think we're the BMV.

20 A. I believe so.

21 Q. Anyway, it's not important. We're
22 all talking about the same thing.

23 And can you just go into a little
24 bit of detail about that incident?

25 A. Sure. I had gone there to get a

1 new ID since I had moved to Arizona. When I
2 did that, even though I showed them my Ohio ID
3 with female on it, they refused because they
4 said it's not a valid form of identification
5 and that they only accept based on the birth
6 certificate.

7 Q. So you went to the Arizona DMV to
8 get a new state issued ID, right?

9 A. That's correct.

10 Q. And was that a driver's license or
11 just an ID?

12 A. It's a state ID. I don't have a
13 driver's license.

14 Q. Okay. And in order to get that new
15 ID, you thought just showing your Ohio ID would
16 be sufficient, right?

17 A. That is what I assumed, yes.

18 Q. But when you got there, the clerk
19 at the DMV told you, "No, we don't accept the
20 Ohio ID, I need to see your birth certificate";
21 is that right?

22 A. That is correct. They said they
23 needed both.

24 Q. All right. So you then -- at that
25 point, did you show your birth certificate to

1 the clerk?

2 A. I did.

3 Q. So you happened to have it with
4 you, I guess, right?

5 A. I try to be prepared.

6 Q. Yeah. All right. And what
7 happened when you showed the clerk the birth
8 certificate?

9 A. They said they would be happy to
10 give me a state ID, but they said according to
11 Arizona law, they would not be allowed to put
12 female on it because my birth certificate said
13 male. It wasn't until two supervisors got
14 involved who then talked about it quite loudly
15 and then they made an exception.

16 Q. All right. So, ultimately, after
17 the two supervisors got involved, they gave you
18 a state identification card which matches your
19 gender; is that accurate?

20 A. That's correct.

21 Q. And was the clerk wrong when he or
22 she said according to Arizona law, they
23 wouldn't be able to enter your gender on
24 their -- on their state ID?

25 MS. INGELHART: Objection. Calls

1 for speculation and a legal conclusion, but you
2 can answer.

3 THE WITNESS: I don't know.

4 Q. But they made the change, so does
5 that indicate to you that she was incorrect
6 about her interpretation of Arizona law?

7 MS. INGELHART: Objection. Calls
8 for speculation. You can answer.

9 THE WITNESS: Like I said, I'm not
10 sure.

11 Q. Okay. I want to look at
12 Exhibit No. 2, which let me know when you have
13 that in front of you.

14 MS. INGELHART: I've got all of
15 them right here. Could you remind me which one
16 is 2? I apologize. They're not numbered. I
17 apologize.

18 MR. BLAKE: It's the complaint.

19 MS. INGELHART: Perfect. I'm going
20 to put the number on it now to avoid that.
21 Here you go.

22 Q. Do you have that in front of you
23 now?

24 A. I do.

25 Q. All right. So what you've just

1 been handed as been previously marked as
2 Defendants' Exhibit 2, and this is the
3 complaint filed by you and others against the
4 Ohio Department of Health and others. Do you
5 recognize this document?

6 A. I do.

7 Q. And before today, have you -- have
8 you seen this document?

9 A. Yes.

10 Q. Did you provide information that
11 was used to form or draft the allegations in
12 this document?

13 A. Yes.

14 Q. Okay. I want you to turn to
15 Page 21. At the top of that page, it's
16 Paragraph 97.

17 A. You said Page 21?

18 Q. Correct.

19 MS. INGELHART: You know what?
20 She's looking at the wrong document. I'm
21 correcting. Here's Page 21 of Exhibit 3,
22 Paragraph 97.

23 THE WITNESS: Okay.

24 Q. So if you look at Paragraph 97,
25 about two-thirds to the bottom, there's a

1 sentence which reads: The clerk erroneously
2 indicated that the gender marker on one's state
3 identification card would need to match the
4 gender marker on one's birth certificate.

5 Do you see that sentence?

6 A. I do.

7 Q. And you previously had testified
8 that you weren't sure whether the clerk was
9 properly interpreting the law. Now that I've
10 read that sentence to you, does that refresh
11 your recollection as to whether or not the
12 clerk was properly applying Arizona law?

13 A. I believe she wasn't.

14 Q. That's what you meant when you said
15 "erroneously," right?

16 A. Yes. What I was saying before was
17 that I don't know the specific law, but yes.
18 You are -- uh-huh.

19 Q. Thank you.

20 THE WITNESS: Can I take another
21 break?

22 MR. BLAKE: Sure. Yeah. It's
23 fine. Thank you.

24 (Recess taken.)

25 Q. If you look at the next paragraph

1 in the complaint, Paragraph 98.

2 A. Give me one moment.

3 MS. INGELHART: Page 21.

4 THE WITNESS: Okay.

5 Q. You indicate that it was
6 humiliating to defend your sex to the Arizona
7 government employee; is that accurate?

8 A. Yeah.

9 Q. And in the previous paragraph, you
10 indicate that that interaction occurred in a
11 public place. Do you see that?

12 A. That's correct.

13 Q. Were there other people at the
14 Arizona DMV within earshot of the conversation
15 of the two supervisors with their employee?

16 A. Yes.

17 Q. How many would you say?

18 A. I don't know. There was a lot of
19 people in line behind us.

20 Q. Did anyone that was in line behind
21 you come up afterwards and confront you or talk
22 to you about what they had overheard?

23 A. No, but I left incredibly quickly.

24 Q. Okay. So you don't know one way or
25 the other whether --

1 A. Like I said, it was humiliating.

2 Q. But you don't know one way or the
3 other what any of those people thought or how
4 they reacted to the conversation that they --
5 they could have overheard at the Arizona DMV;
6 is that accurate?

7 A. Yeah. There was a few people that
8 was staring, but no one said anything.

9 Q. So the Ohio Department of Health is
10 a government agency of the State of Ohio. Is
11 that your understanding?

12 A. That is my understanding, yes.

13 Q. And Alorica is a private employer,
14 and, in particular, this site located in
15 Warren, Ohio, right?

16 A. That's correct.

17 Q. Are you aware of any connection
18 between the Ohio Department of Health and
19 Alorica?

20 MS. INGELHART: Objection. Calls
21 for speculation and calls for a legal, but you
22 can answer.

23 THE WITNESS: I don't know.

24 Q. You don't know if you're aware or
25 you're not aware?

1 A. I'm not aware. I don't know what
2 you mean.

3 Q. Do you have any evidence or
4 information to support any connection between
5 the Ohio Department of Health and Alorica?

6 A. Like, a direct connection or an
7 indirect connection?

8 Q. Either.

9 A. Well, I don't believe it would have
10 happened if my birth certificate had correctly
11 identified me.

12 Q. Yeah. I guess that wasn't my
13 question. My question was: What evidence do
14 you have that suggests that there's any
15 connection direct or indirect between the Ohio
16 Department of Health and the Alorica call
17 center in Warren, Ohio?

18 MS. INGELHART: Object. Calls for
19 a legal conclusion. You can answer.

20 THE WITNESS: I'm not aware of any.

21 Q. I mean, Alorica's not a government
22 entity, right?

23 A. As far as I'm aware.

24 Q. It's not an office of the -- Office
25 of Vital Statistics, right?

1 A. Not that I'm aware. I'm not sure
2 what contracts they have right now.

3 Q. When you were taking calls during
4 your time of employment, you were receiving
5 calls regarding phone providers, right?

6 A. That's correct.

7 Q. You never took a call where someone
8 was having trouble accessing, say, ODH's web
9 page or understanding the process for
10 correcting their birth certificate, right?

11 A. That's correct.

12 Q. ODH didn't direct Alorica to
13 request your birth certificate as part of your
14 on-boarding as an employee at the company,
15 correct?

16 MS. INGELHART: Objection. Calls
17 for speculation. You can answer.

18 THE WITNESS: No, but it is a
19 common practice.

20 Q. And ODH didn't direct the head of
21 HR to make jokes about your gender, correct?

22 A. No.

23 Q. And ODH didn't direct HR to tell
24 everyone else at the site about your gender,
25 right?

1 MS. INGELHART: I mean, objection.
2 Calls for a legal conclusion and speculation,
3 but you can answer.

4 THE WITNESS: Like I said before,
5 no, but if my birth certificate was correct,
6 this wouldn't have happened.

7 Q. And ODH didn't direct your
8 supervisors to start treating you differently
9 based on the information recorded on your birth
10 certificate, right?

11 MS. INGELHART: Objection. Calls
12 for a legal conclusion. Speculation. You can
13 answer.

14 THE WITNESS: No, but them knowing,
15 it is very common.

16 Q. And ODH didn't direct your
17 colleagues or the other employees at the site
18 to make the anti-transgender comments about
19 you, right?

20 MS. INGELHART: Same objection.
21 You can answer.

22 THE WITNESS: No.

23 Q. To your knowledge, ODH didn't do
24 anything to direct or authorize anyone at
25 Alorica to do any of the things that you've

1 discussed today while you were employed there,
2 right?

3 A. No. But, like I said, if this
4 would not have happened, they would not have
5 found out if it was on my birth certificate
6 showing male.

7 Q. You believe that the only thing
8 that caused employees and HR director and
9 supervisors at Alorica to harass you was the
10 fact that your birth certificate includes the
11 sex identifier of male? That's your testimony?

12 MS. INGELHART: Object. Sorry.
13 Objection. Misstates prior testimony. You can
14 answer.

15 THE WITNESS: It announced me as
16 trans, which made me become open to the
17 problem.

18 Q. Did anyone at Alorica ever tell you
19 if it hadn't been for your birth certificate,
20 none of this harassment would have ever
21 occurred?

22 A. Yes.

23 Q. Who told you that?

24 A. I had quite a few friends that said
25 that they would not have known I was trans if

1 it wasn't for that information being presented
2 and them being told.

3 Q. And so it's your assumption or
4 belief that had that information not been
5 included on your birth certificate, the head of
6 HR, for example, wouldn't have harassed you
7 about the bathroom?

8 MS. INGELHART: Objection. Calls
9 for speculation. You can answer.

10 THE WITNESS: Yes.

11 Q. In the situation at the Arizona
12 Department of Motor Vehicles, you understand
13 that that agency is run by the State of
14 Arizona, right?

15 A. Yes.

16 Q. And that the State of Arizona
17 isn't -- well, that the laws and rules issued
18 in and enforced by the State of Arizona aren't
19 issued and enforced by ODH, right?

20 MS. INGELHART: Objection. Calls
21 for a legal conclusion. You can answer.

22 THE WITNESS: Can you repeat the
23 question again?

24 Q. Sure. ODH has nothing to do with
25 the Arizona Department of Motor Vehicles,

1 right?

2 MS. INGELHART: Objection. Calls
3 for legal conclusion and speculation. You can
4 answer.

5 THE WITNESS: I'm not sure. I'm
6 sure they share information with each other.

7 Q. And on what basis to you contend
8 that the Arizona Department of motor vehicles
9 shares information with the Ohio Department of
10 Health?

11 A. Because they typed in my ID number
12 and my identification came up.

13 Q. Which ID number did they type in?

14 A. The ID on my Ohio ID.

15 Q. The Ohio -- your state issued ID?

16 A. Yeah.

17 Q. Not the ID number on your birth
18 certificate?

19 A. No.

20 Q. And, I mean, is it -- is it your
21 understanding that the Ohio Department of
22 Health does not manage or record or track Ohio
23 State identifications, including the state
24 identification that was issued to you?

25 A. Okay. Yeah.

1 Q. All right. That would be probably
2 managed, and I don't know, maybe you know, by
3 the Ohio Bureau of Motor Vehicles, right?

4 MS. INGELHART: Objection. Calls
5 for speculation. You can answer.

6 THE WITNESS: I would assume so.

7 Q. Yeah. That's a safe assumption.
8 That's my assumption, at least, but you don't
9 have any -- you don't have any evidence to
10 suggest that that assumption's incorrect,
11 right?

12 A. No.

13 Q. So let me ask the question again
14 about Arizona. The Ohio Department of Health
15 has nothing to do with the Arizona Motor
16 Vehicle Division, right?

17 MS. INGELHART: Objection. Asked
18 and answered. You can answer.

19 THE WITNESS: As far as I know.

20 Q. And do you know whether Arizona's
21 Motor Vehicle Division is required by law or
22 rule to inspect the birth certificate before
23 providing a state identification?

24 A. I don't know.

25 Q. You don't know for certain, right?

1 A. Yes.

2 Q. And whether or not Arizona has such
3 a law or rule, you aren't contending that the
4 Ohio Department of Health has any role in
5 enforcing or enacting Arizona's laws or rules
6 or policies, right?

7 MS. INGELHART: Objection. Calls
8 for speculation. You can answer.

9 THE WITNESS: Can you repeat the
10 question again?

11 Q. Yeah. Whether or not Arizona has
12 such a law or rule, you aren't contending that
13 the Ohio Department of Health has any role in
14 enforcing or enacting Arizona laws, rules or
15 policies, right?

16 A. Yes.

17 Q. And ODH certainly doesn't have
18 anything to do with whether an Arizona state
19 employee is properly interpreting or applying
20 Arizona law, right?

21 MS. INGELHART: Objection. Calls
22 for a legal. Speculation, but you can answer.

23 THE WITNESS: I suppose that.

24 Q. If you go back to Page 20 on
25 Defendants' Exhibit 2, which is the complaint

1 we previously looked at, and look at
2 Paragraph 95. Let me know when you're there.

3 A. Yes.

4 Q. That paragraph reads: Ms. Breda is
5 aware of the high incidents of harassment,
6 discrimination and violence directed at
7 transgender people. She has personally been a
8 target of online harassment.

9 Do you see that?

10 A. Yes.

11 Q. When were you a target of online
12 harassment?

13 A. Multiple times, I would get -- I
14 would get messages on Facebook. Twitter is
15 pretty good at making sure that those messages
16 don't reach me, so I don't know about Twitter.

17 Q. Okay. So your -- the harassment
18 would come through Facebook; is that accurate?

19 A. For the most part, yes.

20 Q. And when did the harassment begin
21 approximately?

22 A. It began shortly after I came out
23 before I made my Facebook private.

24 Q. Okay. So that would have been
25 in -- and I apologize. What was the year where

1 you came out on Facebook?

2 A. 2015, I believe.

3 Q. 2015. And at that point, you know
4 for a fact your Facebook profile was public,
5 right?

6 A. I believe so, yes.

7 Q. And you started receiving
8 harassment through Facebook, and is that what
9 prompted you to make your profile private or at
10 least semiprivate?

11 A. That's correct.

12 Q. And that would have been, when,
13 towards the end of 2015 or --

14 A. Probably. I'm not sure of the time
15 I made it private.

16 Q. The harassment carried on for a few
17 months, though?

18 A. Yeah. I still get some messages on
19 occasion, even now.

20 Q. Okay. And the harassment, just to
21 be clear, this is harassment directed at your
22 status as a transgender individual?

23 A. Yep.

24 Q. And as we saw before, at least some
25 public elements of your Facebook account which

1 still advertise your status as a transgender
2 individual, right?

3 A. Yes.

4 Q. Did you ever display your birth
5 certificate online on your Facebook page or
6 anything like that?

7 A. I don't recall.

8 Q. And so assuming you hadn't done
9 that, how did the people harassing you online
10 know that you were transgendered, do you know?

11 MS. INGELHART: Objection. Calls
12 for speculation. You can answer.

13 THE WITNESS: I'm not sure.
14 Probably because it's printed on my page.

15 Q. So you don't contend that anything
16 ODH has done has resulted in the online
17 harassment, right?

18 MS. INGELHART: Objection. Calls
19 for speculation. You can answer.

20 THE WITNESS: I guess not.
21 Actually, I'd like to correct something I said.

22 Q. Go ahead.

23 A. I believe I did put a partial
24 picture of my birth certificate on my Facebook
25 profile.

1 Q. All right. When did you do that?

2 A. It would have been shortly after my
3 name change.

4 Q. We can go ahead and go to
5 Exhibit 7, if you like.

6 - - - - -

7 (Thereupon, Deposition Exhibit 7,
8 Birth Certificate, was marked for
9 purposes of identification.)

10 - - - - -

11 Q. Got that in front of you?

12 A. Yes, I do.

13 Q. What's just been handed to you has
14 been previously marked as Exhibit 7, and this
15 is a copy of your certification of birth issued
16 by the Ohio Department of Health and the
17 Mahoning County General Health District. Do
18 you see that?

19 A. Yes.

20 Q. It says at the -- well, the name is
21 Ashley Abigail Breda. That's you, right?

22 A. That's correct.

23 Q. Date of birth, [REDACTED] [REDACTED] [REDACTED]?

24 A. That's correct.

25 Q. All right. Your mother's and your

1 father's name is there. That's all correct,
2 right?

3 A. Yep.

4 Q. And if you keep doing down, it says
5 legal name change on file, CO No. 120995. Do
6 you see that?

7 A. I do.

8 Q. Is it your understanding that that
9 reflects there was a name change to the name on
10 this birth record?

11 A. That's correct.

12 Q. And so that's what you're referring
13 to when you said that you had a name change on
14 your birth certificate and you posted it on
15 your profile, right?

16 MS. INGELHART: Objection.
17 Misstates prior testimony. You can answer.

18 THE WITNESS: For the most part,
19 yes. I believe the picture that I posted only
20 showed the small section where it says my name,
21 date of birth, and I'm not sure if I had the
22 sex section there or not.

23 Q. All right. So at least at this
24 time, your recollection as to what you posted
25 on Facebook was just a small section of the

1 birth certificate showing your name and your
2 date of birth, correct?

3 A. That's correct.

4 Q. And as far as you know, you did not
5 post the sex category on the birth record,
6 which here indicates male, correct?

7 A. I can't recall if I did or not.

8 Q. Is that information that you can
9 find out?

10 A. I could attempt to if it's still
11 there.

12 Q. And was this done before or after
13 you made your profile public -- or, sorry, made
14 your profile private on Facebook?

15 A. It would have -- I'm not sure. It
16 would most likely have still been public then.

17 Q. Okay. So you think at some point
18 in time, you publicly posted a partial picture
19 of your birth certificate and it may or may not
20 have included the sex identifier as indicated
21 on Exhibit 7; is that accurate?

22 MS. INGELHART: Objection.

23 Misstates prior testimony. You can answer.

24 THE WITNESS: Can you repeat what
25 you just said?

1 Q. Yeah. Let me try.

2 It's your testimony, then, that
3 during the time when your Facebook profile was
4 still public, you posted a partial picture of
5 your birth record, which, among other things,
6 may have revealed the sex identifier as male,
7 which is indicated on Exhibit 7; is that
8 accurate?

9 MS. INGELHART: Objection.
10 Misstates prior testimony. It's also compound.
11 You can answer, if you can.

12 THE WITNESS: I believe so.

13 MR. BLAKE: And I would just note
14 for the record that to the extent it's possible
15 for Ms. Breda to verify the photo she posted
16 publicly, we would just like confirmation one
17 way or the other whether that photo included
18 the sex information recorded on Exhibit 7.

19 MS. INGELHART: Noted. We will
20 inquire. Thank you.

21 MR. BLAKE: No. Thank you.

22 Q. I know before you said you weren't
23 currently involved in any transgender groups,
24 but have you ever been involved in any groups
25 that are focused on transgender issues or

1 anything of that nature?

2 A. That's why I asked you before about
3 what do you mean by "groups"? I'm on a few
4 sub-Reddits, but I don't know if that would
5 fall under "group." Otherwise, no.

6 Q. I guess I don't know until I look.
7 I'm -- I'm happy to hear that people born in
8 the '90s still find Reddit useful, but what are
9 the sub-Reddits that you're involved in?

10 A. A couple trans positive. I don't
11 really say anything, I just, like, read them.

12 Q. So are these groups that are open
13 to anybody or do you have to register, do you
14 know?

15 A. I don't recall.

16 Q. And when you post or, you know,
17 view these Reddits, sub-Reddits, is your -- is
18 anything identifying -- is there any
19 identifiable information about you that would
20 allow another user to track you down and know
21 who you are, or are you operating under an
22 alias like Valkyrieash or something like that?

23 A. Yeah. I operate under the alias.

24 Q. Here in Columbus, we have a
25 festival called the Pride festival. Are you

1 familiar with the Pride festival?

2 A. Yes.

3 Q. And my understanding, at least, of
4 the Pride festival here in Columbus is that
5 it's a celebration of LGBTQ issues and people,
6 and part of the LGBTQ is transgender. Is that
7 your understanding?

8 A. Yes.

9 Q. Have you ever participated in the
10 Columbus Pride festival?

11 A. Unfortunately, I haven't
12 participated in any Pride festivals yet.

13 Q. So have you heard of Phoenix Pride?

14 A. I have, yes.

15 Q. Is it -- is it your intent to one
16 day take -- participate in the festival?

17 A. Potentially, maybe. I don't know.

18 Q. No plans as of today?

19 A. That's correct.

20 Q. Okay. Well, whether or not you
21 attend any of the Pride festivals around the
22 country, including Phoenix Pride festival, your
23 status as a transgendered person does not
24 humiliate you, right?

25 MS. INGELHART: Objection. Vague.

1 THE WITNESS: Well, I don't like my
2 friends knowing about it, but it feels unsafe
3 to have strange people that don't know about
4 it. I don't know what their opinions are on
5 it. I don't know if I will face violence from
6 them because of it.

7 Q. It's not something you're ashamed
8 of, right?

9 A. No.

10 Q. You're proud of your status as a
11 transgendered individual, right?

12 A. I wouldn't say I'm fully proud of
13 it. I'd rather just be seen as a woman, but I
14 do accept it.

15 Q. I mean, that's why you advertise it
16 on your Facebook page, which is, to some
17 degree, available to the public, and why you
18 advertise it on your Twitter feed, which is
19 certainly available to the public, because
20 you're proud of it, right?

21 MS. INGELHART: Objection.
22 Misstates prior testimony, but you can answer.

23 THE WITNESS: I mean, I put it
24 there, but I wouldn't necessarily say I'm proud
25 of it, but I'm not unproud of it, if that makes

1 sense.

2 Q. Your profile pic on your Facebook
3 page includes you on what appears to be a pen
4 or a sticker which says: Trans rights are
5 human rights. I mean, that's a statement that
6 you're proud of, right?

7 A. Well, trans rights are human
8 rights.

9 Q. Of course they are, but this is
10 something that you, espouse as of you, which is
11 something that you advertise to the public and
12 to the community that is part of your identity
13 and something which makes you proud and unique,
14 right?

15 MS. INGELHART: Objection.
16 Misstates prior testimony, but you can answer.

17 THE WITNESS: I'm vocal about trans
18 rights because I don't think it's right that we
19 get discriminated against. I wish we could
20 just be seen as women that we are.

21 Q. So part of your claim in your
22 complaint is that the Department of Health
23 discriminates against transgendered people
24 because they're not permitted to change the sex
25 identifier on their birth certificate, right?

1 A. Yes.

2 Q. Are you aware of any laws in Ohio
3 related to birth certificates that mention
4 transgender individuals?

5 MS. INGELHART: Objection. Calls
6 for a legal conclusion. You can answer.

7 THE WITNESS: I'm not sure.

8 Q. You're not aware of any such laws?

9 MS. INGELHART: Same objection.
10 You can answer.

11 THE WITNESS: Yeah. I haven't -- I
12 haven't kept up to date with them because I'm
13 not in Ohio right now.

14 Q. Well, before you left for Ohio,
15 were you aware of any laws that dealt with
16 transgendered individuals, and in particular
17 related to their birth certificates?

18 MS. INGELHART: Objection. Calls
19 for a legal conclusion. You can answer.

20 THE WITNESS: I don't know.

21 Q. You don't know if you were aware or
22 you don't know if there are any such laws?

23 A. I don't know if there are any such
24 laws.

25 Q. Do you know whether Ohio laws

1 permit anyone, regardless of gender, change
2 their sex marker on their birth certificate?

3 MS. INGELHART: Objection. Calls
4 for a legal conclusion. You can answer.

5 THE WITNESS: I'm -- I don't know.

6 Q. You don't know if anyone's
7 permitted to change their sex marker, or you
8 don't know of any laws?

9 MS. INGELHART: Objection. Calls
10 for a legal conclusion. You can answer.

11 THE WITNESS: I don't know if there
12 are any laws that do that. I'm sure there
13 might be, but I don't know for certain.

14 Q. Okay. It's your understanding that
15 ODH will not change a birth certificate based
16 on gender identity, right?

17 MS. INGELHART: Objection. Calls
18 for a legal conclusion. You can answer.

19 THE WITNESS: In my opinion, yes.

20 Q. And that that law applies whether a
21 person is transgender or cisgender or anything
22 else, right?

23 MS. INGELHART: Objection. Calls
24 for a legal conclusion. You can answer.

25 THE WITNESS: Can you repeat the

1 question one more time?

2 Q. Sure. That the law, that ODH will
3 not change a birth certificate based on gender
4 identity applies whether a person is
5 transgendered or cisgender or anything else,
6 correct?

7 A. Well, there would be no reason for
8 cisgendered persons to change their birth
9 certificate 'cause they identify correctly with
10 it, so this would only be in regards to trans
11 people.

12 Q. That's --

13 A. I'm not 100 percent understanding
14 why you're saying it that way.

15 Q. I mean, that's your opinion that a
16 cisgendered person has no reason to change
17 their birth certificate or the sex identifier
18 on they are birth certificate, but at least
19 nothing you can think of, right?

20 A. Not that -- nothing that I can
21 think of at the moment.

22 Q. Do you know when Ohio's laws
23 related to birth certificates were enacted?

24 MS. INGELHART: Objection. Calls
25 for a legal, but go ahead.

1 THE WITNESS: I don't. And can I
2 take another break?

3 MR. BLAKE: Sure. Yeah. Fine.

4 (Recess taken.)

5 Q. All right. So you're not aware of
6 anything related to the legislative process of
7 how any of Ohio's laws related to birth
8 certificates were enacted, right?

9 A. That's correct. That's why I have
10 my lawyer.

11 Q. And you're not aware of any
12 legislative purpose when Ohio's laws were
13 enacted related to any hatred or ill will
14 towards transgender people?

15 MS. INGELHART: Objection. Calls
16 for a legal conclusion. You can answer.

17 THE WITNESS: I have no idea. I
18 have no way of knowing that.

19 Q. All right. Let's turn back to
20 Exhibit 7, if you would. And as we said,
21 Exhibit 7 is a copy -- a copy of your
22 certification of birth. Do you know what a
23 public record is?

24 A. Yes.

25 Q. What is your definition of a public

1 record?

2 A. A record that's public.

3 Q. Yeah. I guess I deserve that.

4 Well, would you characterize your
5 birth certificate as a record that is public?

6 MS. INGELHART: Objection. Calls
7 for a legal conclusion. You can answer.

8 THE WITNESS: I don't know.

9 Q. Are you aware that anyone can go to
10 any county health department in Ohio, and as
11 long as they know your name and approximate
12 birth year, they can request your birth
13 certificate?

14 A. I was not aware of that.

15 Q. If that is, in fact, the procedure
16 for requesting a birth record, does that change
17 your opinion on whether or not a birth record
18 in Ohio is a public record?

19 A. I suppose.

20 Q. And in what way does it change your
21 opinion?

22 A. Well, my opinion would change from
23 I don't know to yes if what you're saying is
24 true because you just told me it was a public
25 record.

1 Q. Thank you.

2 Your birth certificates sex is
3 male, right?

4 MS. INGELHART: Objection. Calls
5 for a legal conclusion. You can answer.

6 THE WITNESS: The birth certificate
7 does say male.

8 Q. And that information was recorded
9 by ODH based on information provided to ODH at
10 or near the time of your birth, correct?

11 A. Yes.

12 MS. INGELHART: Objection. Calls
13 for expert testimony. Legal conclusion.
14 Speculation. Foundation. You can answer.

15 THE WITNESS: As far as I'm aware
16 of, yes.

17 Q. You don't have any evidence to
18 contradict that your sex was recorded as male
19 by ODH based on information provided by anyone
20 else at or near the time of birth, right?

21 MS. INGELHART: Objection. Expert
22 testimony. Speculation.

23 THE WITNESS: I have no idea.

24 Q. Do you know who determined your sex
25 was male at the time of birth?

1 MS. INGELHART: Objection. Calls
2 for speculation, expert testimony. You can
3 answer.

4 THE WITNESS: I would speculate the
5 doctor.

6 Q. Right. The medical provider
7 determined your sex as male at the time of your
8 birth, right?

9 MS. INGELHART: Objection. Calls
10 for expert testimony. You can answer.

11 THE WITNESS: I suppose.

12 Q. Let's go back to Exhibit 2, the
13 complaint, just so we can clear up any
14 confusion about what is being asked here. And
15 if you look at Paragraph 20, it says: A
16 person's gender marker on a birth certificate
17 is usually designated at birth based solely on
18 the appearance of external genitalia.

19 Do you see that?

20 A. I do.

21 Q. That would have been the medical
22 provider that would have relayed that
23 information to ODH, right?

24 MS. INGELHART: Objection. Calls
25 for expert testimony. You can answer.

1 THE WITNESS: I don't know the
2 procedure in regards to that.

3 Q. Well, there was -- as far as you're
4 aware, there wasn't anyone from ODH present at
5 your birth, right?

6 A. I don't know.

7 Q. Your mom was there, presumably,
8 right?

9 A. I would assume so.

10 Q. Did she ever work for the Ohio
11 Department of Health?

12 A. I don't know.

13 Q. Okay. No evidence to suggest she
14 ever did, right?

15 A. As far as I'm aware.

16 Q. And there would have been a medical
17 provider there, maybe several, a doctor and
18 some nurses, right?

19 A. Yeah.

20 Q. All right. And is it your
21 understanding that those doctors and nurses do
22 not work for the Ohio Department of Health?

23 A. I don't know what jobs they may or
24 may not have had.

25 Q. Okay. So you don't know one way or

1 the other whether the doctors or nurses who
2 attended your birth are employees of the
3 hospital where you were born or the Ohio
4 Department of Health?

5 A. That's correct. For all I know,
6 they could be both.

7 Q. Okay. But you don't have any
8 evidence to suggest that, right?

9 A. No.

10 Q. All right.

11 A. I would have no way of saying.

12 Q. Was there anyone else that you're
13 aware of present when you were born?

14 A. I have no idea.

15 Q. Okay. So you're not aware of
16 anyone else?

17 A. I'm sure my father was there.

18 Q. Okay. So was your father ever an
19 employee of the Ohio Department of Health?

20 A. No.

21 Q. Okay. To the best of your
22 knowledge, one of those individuals who was
23 present at the time of your birth would have
24 relayed information related to your birth to
25 the Department of Health, right?

1 A. I don't know.

2 Q. So you don't know one way or the
3 other whether -- one of those individuals sent
4 the information or someone else. Is that what
5 your testimony is?

6 A. I don't know how it works.

7 Q. Okay. All right. I think I
8 understand. You're not sure how the
9 information was conveyed to ODH, but you're
10 not -- you're not testifying that someone from
11 ODH was literally in the birthing suite
12 recording biographical information about your
13 birth has it was happening, right?

14 A. Yeah. That's correct.

15 Q. And that the information that was
16 relayed to ODH was accurate at the time it was
17 relayed, right?

18 MS. INGELHART: Objection. Calls
19 for legal conclusion, expert testimony. You
20 can answer.

21 THE WITNESS: I don't know.

22 Q. All right. So let's look at your
23 birth record. All right. And setting aside
24 your name change, which we know was changed
25 because of the note at the bottom of the birth

1 record, your date of birth, that information's
2 accurate, right?

3 A. Yeah.

4 Q. You were born [REDACTED] [REDACTED] [REDACTED],
5 right?

6 A. As far as I know.

7 Q. And your birth place was Ohio, as
8 far as you know, right?

9 A. Yes.

10 Q. And your mother's name was [REDACTED]
11 [REDACTED] [REDACTED], right?

12 A. That's correct.

13 Q. Last name prior to first marriage
14 [REDACTED] right?

15 A. That's correct.

16 Q. And she was born in New York,
17 right?

18 A. As far as I know.

19 Q. Your father, [REDACTED] [REDACTED] [REDACTED],
20 is that information correct?

21 A. Yes, it is.

22 Q. Father's birth place, Pennsylvania,
23 right?

24 A. That's correct.

25 Q. And date record filed, you probably

1 don't know one way or the other, but
2 May 25th, 1990, right?

3 A. As far as I'm aware. It says it on
4 the paper.

5 Q. Okay. And like all the other
6 information on this birth record, you would
7 agree that it was accurate for the medical
8 provider to report your sex as male on or about
9 [REDACTED] right?

10 MS. INGELHART: Objection. Calls
11 for expert testimony. Legal conclusion. You
12 can answer.

13 THE WITNESS: As far as I know, I
14 don't know. [REDACTED]

15 [REDACTED]

16 Q. Do you have any information to
17 dispute the -- the sex designation of male as
18 of [REDACTED]

19 A. No.

20 MS. INGELHART: Objection. Calls
21 for a legal conclusion. Expert testimony.

22 Q. I'm sorry. Your answer was "no"?

23 A. As far as I'm aware, no.

24 Q. And you would also agree, then,
25 that your birth certificate accurately

1 reflected your sex as reported at the time of
2 birth, right?

3 MS. INGELHART: Objection. Calls
4 for expert testimony. Legal conclusion.
5 Compound.

6 THE WITNESS: I suppose.

7 Q. I want you to take a close look at
8 your birth record. Does it include a gender
9 marker?

10 MS. INGELHART: Objection. Calls
11 for a legal conclusion, expert testimony. You
12 can answer.

13 THE WITNESS: In my personal
14 opinion, yes.

15 Q. Which entry indicates gender?

16 MS. INGELHART: Objection. Calls
17 for expert testimony and legal conclusion. You
18 can answer.

19 THE WITNESS: The one that says
20 "male."

21 Q. Yeah. So if you look to the left
22 of that, the word "sex" appears, right?

23 A. Yes.

24 Q. It doesn't say "gender," does it?

25 A. I believe both of those are the

1 same.

2 Q. Right. And as you testified
3 earlier, though, you're not an expert on the
4 distinction between sex and gender, correct?

5 A. That's correct.

6 Q. The term "gender identity" doesn't
7 appear anywhere on your birth record, does it?

8 A. The actual term, no.

9 Q. And could you please go to
10 Exhibit 3?

11 A. Okay.

12 Q. What you've just been handed is a
13 document which you may have never seen before
14 today, and that is a long form example of all
15 of the biological data and information which is
16 relayed to the Department of Health by the
17 medical providers at or near the birth of an
18 individual. Do you have that document in front
19 of you?

20 A. I do.

21 Q. I'm not going to ask you to
22 authenticate or -- or attest to the accuracy of
23 that document. It's not your document. You
24 can't do that, but I am going to ask you is
25 whether you can find in that multi-page

1 document any reference to gender, gender
2 identity or anything involving gender.

3 MS. INGELHART: Objection. Calls
4 for a legal conclusion, expert testimony. You
5 can answer.

6 THE WITNESS: Well, let me take a
7 look at it.

8 Q. Take your time.

9 A. There's a lot of information here.
10 It'll just take me one moment.

11 Q. Yeah. Don't feel rushed. The
12 delays do not show up on the transcript, so you
13 can take your time. That's one of the
14 beautiful things about a deposition is that I
15 rustle around for papers and then when you read
16 it afterwards, you think I was just whipping
17 out these documents, but that's not the case.

18 A. Okay. Now that I've looked through
19 it, can you state your question once more?

20 Q. Yes. Does the Ohio Department of
21 Health long form contain any reference to the
22 terms "gender" or "gender identity"?

23 MS. INGELHART: Objection. Vague.
24 Legal conclusion. Calls for legal conclusion.
25 Calls for expert testimony. You can answer.

1 THE WITNESS: It states "sex."
2 Like I stated before, I believe sex and gender
3 are the same.

4 Q. So just the Department's
5 recordation of the sex information is the only
6 thing which you contend relates to gender or
7 gender identity, right?

8 A. That's -- I saw it in my cursory
9 glance.

10 Q. And it doesn't -- it doesn't
11 contain, as far as you're aware, any specific
12 category for gender or gender identity, right?

13 MS. INGELHART: Objection. Calls
14 for a legal conclusion, expert testimony. You
15 can answer.

16 THE WITNESS: There's no category
17 that specifically states "gender."

18 Q. And you're not aware of any form or
19 records maintained by ODH that would track a
20 person's gender specifically or gender identity
21 specifically, correct?

22 MS. INGELHART: Objection. Calls
23 for a legal conclusion, expert testimony. You
24 can answer.

25 THE WITNESS: I'm not sure.

1 Q. You're not sure if you're aware or
2 you're not sure if ODH actually tracks that
3 information?

4 A. I'm not sure if ODH tracks that
5 information.

6 Q. And your gender identity is female,
7 right?

8 A. That's correct.

9 Q. And you mentioned earlier that
10 ██████████ ██████████ ██████████ ██████████ ██████████ ██████████
11 ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ as far as
12 you're aware, right?

13 A. That's correct.

14 Q. And are you familiar with the term
15 "karyotype"?

16 A. Slightly.

17 Q. All right. If I told you that
18 someone had XX chromosomes, that would indicate
19 a sex as female, right?

20 MS. INGELHART: Objection. Calls
21 for expert testimony. You can answer.

22 THE WITNESS: I am not familiar
23 enough with genetics to know, but I believe in
24 most cases, yes.

25 Q. And that, conversely, someone with

1 XY chromosomes would indicate sex is male,
2 right?

3 MS. INGELHART: Objection. Calls
4 for expert testimony. You can answer.

5 THE WITNESS: The same as my
6 previous statement, so I suppose, but I'm sure
7 that there's more exceptions to that than just
8 that being that simple.

9 Q. Right. And as you've indicated,
10 there are various irregularities that can
11 result in a person having something other than
12 XX or XY chromosomes, right?

13 A. Uh-huh.

14 MS. INGELHART: I'm going to
15 objection. Expert testimony.

16 Q. That's your general understanding
17 of how the karyotypes of XX and XY work,
18 though, right?

19 A. Yes.

20 Q. Okay. [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 MS. INGELHART: Objection. Calls
3 for expert testimony.

4 THE WITNESS: I'm sorry. Can you
5 say that one more time?

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED]

10 Q. And that you would have had --
11 whatever your chromosomes are, you would have
12 had those chromosomes since birth, right?

13 MS. INGELHART: I mean, objection.
14 Calls for expert testimony. You can answer.

15 THE WITNESS: As far as I'm aware.

16 Q. And you're not aware of any
17 procedure by which a person can change their
18 chromosomes, right?

19 MS. INGELHART: Same objection.
20 You can answer.

21 THE WITNESS: Not currently, no.

22 Q. All right. So you indicated that
23 your gender identity is female. Are you aware
24 of any method by which a person's gender
25 identity can be identified at the time of

1 birth?

2 MS. INGELHART: Objection. Calls
3 for expert testimony, legal conclusion. You
4 can answer.

5 THE WITNESS: I am not sure.

6 Q. You're not sure that you're aware,
7 or you're not sure that there's a method by
8 which a person's gender identity can be
9 identified at the time of birth?

10 A. I'm not sure there's a method.

11 Q. And when did you determine that
12 your gender did not match your biological sex?

13 MS. INGELHART: Objection. Calls
14 for expert testimony. You can answer.

15 THE WITNESS: As far as I can
16 remember, going back to being a little child.

17 Q. Right. And, in fact, in your
18 response to discovery requests, I think your
19 response was since the age of 3 or 4, you
20 identified as a girl; is that accurate?

21 A. Yes.

22 Q. What do you mean "identified as a
23 girl"?

24 A. I knew at even that age that I was
25 a girl, whether people would accept it or not.

1 Q. So -- what is -- I suppose at the
2 age of three or four, you know, in your mind,
3 what distinguished that from identifying as a
4 boy?

5 A. I'm not sure how to answer that. I
6 just knew.

7 Q. You just had this internal sense of
8 being a female as opposed to a male; is that
9 accurate?

10 A. Yes.

11 Q. But you can't exactly articulate
12 what that sense of identifying as a girl
13 actually is; is that correct?

14 A. Yes.

15 Q. You know, from the age of three or
16 four when you first identified as a girl, have
17 you ever identified as a boy at any time in the
18 interim?

19 A. No.

20 Q. Have you ever presented yourself as
21 male to any friends, family or the public?

22 MS. INGELHART: Objection. Expert
23 testimony and vague.

24 THE WITNESS: I was supposed to
25 outwardly present myself by my parents.

1 Q. Are you familiar with the terms
2 "gender dysphoria" and "gender incongruence"?

3 A. I'm familiar with the first term,
4 not the second one.

5 Q. Okay. So gender dysphoria, we'll
6 stick with that one. Is it your understanding
7 that that's a clinical diagnosis where a
8 person's biological sex does not match his or
9 her gender identity?

10 MS. INGELHART: Objection. Calls
11 for expert testimony.

12 THE WITNESS: I'm not 100 percent
13 certain.

14 Q. Well, you received that diagnosis
15 in the spring or summer of 2015, right?

16 A. That's correct.

17 Q. And you were approximately 23 or 24
18 or something like that?

19 A. Something like that.

20 Q. And before your diagnosis, had you
21 heard of gender dysphoria, or was that the
22 first time?

23 A. I had already heard of it.

24 Q. Okay. So you at least have some
25 understanding of what that diagnosis means,

1 right?

2 A. Yeah, but it's worded differently
3 than you're wording it.

4 Q. I'm sorry. I didn't catch that.

5 A. Oh, no. I remember it being worded
6 differently than how you're wording it.

7 Q. Oh, I see. I see. You -- well,
8 how do you remember it being worded?

9 A. I don't remember exactly how it was
10 worded, but how you're saying it doesn't sound
11 like how I remember it being worded.

12 Q. Well, I guess regardless of how it
13 was worded at the time you received the
14 diagnosis, would you agree that a gender -- a
15 diagnosis of gender dysphoria includes a
16 mismatch of a person's biological sex and his
17 or her gender identity?

18 MS. INGELHART: Objection. Calls
19 for expert testimony. You can answer.

20 THE WITNESS: I suppose.

21 Q. And if your biological sex and
22 gender identity are mismatched, that logically
23 means that biological sex and gender identity
24 are different things, right?

25 MS. INGELHART: Objection. Calls

1 for expert testimony. You can answer.

2 THE WITNESS: I suppose, but I do
3 believe they changed the definition and what it
4 is, but I don't know what they changed it to.
5 I know it was recent, though.

6 Q. Understood.

7 And do you know what -- when you
8 say they changed it or it was changed, do you
9 know what organization changed that definition?

10 MS. INGELHART: Objection. Expert
11 testimony. You can answer.

12 THE WITNESS: I don't remember off
13 the top of my head.

14 Q. Are there any websites or resources
15 you regularly consult that would discuss those
16 issues that you might have picked up that --
17 that change in the definition?

18 A. Various psychology websites,
19 Reddit.

20 Q. Okay. So when you say various --
21 sorry.

22 A. I said I forget which manual the
23 change was in.

24 Q. Okay. Does the W Path Manual sound
25 familiar?

1 A. It does.

2 Q. Does the APA, does that ring a
3 bell?

4 A. No.

5 Q. Okay. Are there any others that
6 come to mind?

7 A. DSM.

8 Q. Could you spell that?

9 A. I think I'm -- I think I'm getting
10 it wrong, but I know it starts with a "D" and
11 it was an acronym.

12 Q. Oh, the DSM. Okay. Yeah, the DSM.
13 Yep. I'm familiar with that one. Anything
14 else?

15 A. Not that I can recall.

16 Q. All right. We talked earlier about
17 your state identification document, the one you
18 used in Arizona. Do you remember that
19 testimony?

20 A. Yes.

21 Q. You've only recently moved to
22 Arizona, so I doubt you've had the chance to
23 update that document, but since you recently
24 applied for it, do you have any idea how often
25 you do have to update that document?

1 A. I do.

2 Q. And how often do you have to update
3 it?

4 A. You don't. It's infinite.

5 Q. The state identification record in
6 Arizona is not required to be updated?

7 A. That's correct. That's why it's
8 not legally classified as a federal ID.

9 Q. Oh, so you could move and you
10 wouldn't have to change the address on the
11 state identification?

12 A. I'm sure you'd have to change the
13 address, but they never expire.

14 Q. They never expire. Understood.

15 Do you know what the -- do you
16 understand what the purpose is of that state
17 identification you received?

18 MS. INGELHART: Objection. Calls
19 for a legal conclusion. You can answer.

20 THE WITNESS: As far as I'm aware,
21 it's to identify me.

22 Q. And you use that identification
23 record to do things, like if you ever do this,
24 get into, like, an R rated movie, right?

25 A. I suppose. I've never been carded.

1 Q. Okay. Do you -- and I don't want
2 to assume anything. Do you buy beer?

3 A. Yes.

4 Q. And do you use that state
5 identification to buy beer?

6 A. Yes.

7 Q. And would you use the state
8 identification to get into, like, an over 21
9 club or bar or something, right?

10 A. Yes.

11 Q. And do you ever use it to -- well,
12 I guess for the next few years, you could still
13 use that to get onto a plane, right?

14 A. Yes. I don't remember when the
15 cutoff is.

16 Q. Yeah. I think it's --

17 A. But it does stop eventually.

18 Q. I think it's 2021, so you still
19 have some time, but just be prepared to bring
20 basically every biological piece of information
21 you have. It is the most horrendous process
22 invented, I think, so just make sure --

23 A. I'm aware.

24 Q. Save your utility bills.

25 A. I flew here.

1 Q. You ever rent a car?

2 A. I don't drive.

3 Q. Oh, that's right. This is a state
4 identification, not a driver's license, so that
5 one doesn't work.

6 Verify credit card purchase?

7 A. I'm sure it can be used for that.

8 Q. Right. And you carry that around
9 with you pretty much at all times, right?

10 A. That's correct.

11 Q. You have that on you, your state
12 identification card?

13 A. Right now?

14 Q. Yeah.

15 A. Yes.

16 Q. Now, I almost hesitate to ask
17 because I asked this to an earlier witness, so
18 everybody's up to speed on this, but you don't
19 happen to have a copy of your birth certificate
20 other than this exhibit I gave you earlier on
21 you, do you?

22 A. No.

23 Q. And you would agree that at least
24 as you go about your daily life, that the state
25 identification is a much different document and

1 record than a birth certificate, right?

2 MS. INGELHART: Objection. Vague.
3 Calls for a legal conclusion. You can answer.

4 THE WITNESS: It depends what I'm
5 doing if I bring it with me or not. There's a
6 lot of things that require a birth certificate,
7 especially involving the government.

8 Q. All right.

9 A. Everything I need to do involves a
10 birth certificate.

11 Q. But you're not involved with the
12 government on a day-to-day basis like you are
13 in commerce or travel or buying a sixpack after
14 a hard day at work, right?

15 A. No. But for anything like
16 disability or food stamps or anything like
17 that, I do need to present it every time.

18 Q. Okay. Understood.

19 So then -- but you would agree that
20 the documents are used for different purposes
21 and at different frequencies, right?

22 A. At different frequencies, yes, but
23 they are both used for identification now.

24 Q. We're almost done, but I have to go
25 back to something that we talked about earlier

1 because it's been bugging me. So we talked
2 extensively about some of the horrendous acts
3 that occurred at your employer, and I'm going
4 to try to pronounce the name right, Alorica; is
5 that right?

6 A. "Alorica."

7 Q. "Alorica." So we talked
8 extensively about some of the horrendous acts
9 that occurred while you were working at
10 Alorica. Did you ever talk to an attorney
11 about any of the actions or activities that
12 took place while you were employed there?

13 MS. INGELHART: Objection. To the
14 extent that it doesn't touch on attorney-client
15 privileged information, you can answer.

16 Q. Yeah. And let me specify: I'm not
17 interested in your talking to this counsel in
18 this case, what I really am interested in is
19 whether or not you ever went to an attorney to
20 say, "Hey, I'm being harassed and I don't think
21 this is right." That's all I'm interested in.

22 A. I believe I reached out to someone
23 online that was an attorney, but I don't
24 remember what the firm was, but they said I
25 couldn't do anything about it.

1 Q. Okay. So you considered legal
2 action against Alorica at some point in time?

3 A. I did.

4 Q. Okay. And do you think what
5 Alorica did -- aside from harassing you and
6 discriminating against you, do you think that
7 anything they did violated your right to
8 privacy?

9 MS. INGELHART: Objection. Calls
10 for legal conclusion. You can answer.

11 THE WITNESS: I would say yes.

12 Q. And you understand that one of the
13 claims that you have in this lawsuit against
14 the Ohio Department of Health is that you
15 believe the Ohio Department of Health is
16 violating your right to privacy under the due
17 process clause of the United States
18 Constitution, right?

19 A. Yes.

20 Q. But despite all the horrendous
21 things Alorica did to you, you haven't sued
22 your employer for a violation of your right to
23 privacy, right?

24 A. I have not.

25 Q. You haven't sued them at all, have

1 you?

2 A. I have not.

3 Q. Other than the context that we've
4 discussed today about -- at Alorica and the
5 Arizona DMV, have you ever been required to
6 show your birth certificate to other entities?

7 A. Yes.

8 Q. What are those other entities?

9 A. Every job I applied to when I came
10 here, which is over 30 of them, the Arizona
11 government, for disability and food stamps.

12 Q. Okay. Anyone else?

13 A. Not that I can think of at the
14 moment.

15 Q. Do you -- do you have any --

16 A. But I might be missing one.

17 Q. Okay. Well, if you recall it,
18 chime in.

19 But do you have any inclination or
20 idea why the jobs require you to present a
21 birth certificate when you apply?

22 A. Because they use it as a form of
23 identification to prove you're a U.S. citizen.

24 Q. So at least from the employer's
25 perspective, you would agree that it's

1 important that those documents are accurate and
2 reflect information which can be verified and
3 traced, right?

4 MS. INGELHART: Objection.
5 Speculation. You can answer.

6 THE WITNESS: I suppose.

7 Q. And in these jobs, other than the
8 Alorica and the Arizona Department of Motor
9 Vehicles, in these other instances where you've
10 had to turn over your -- your birth certificate
11 or apply for disability or food stamps, did you
12 ever feel the individual or entity you were
13 disclosing your birth certificate to was
14 dangerous in any way?

15 MS. INGELHART: Objection. Vague.

16 THE WITNESS: Well, can you clarify
17 that?

18 Q. Sure. I'm just wondering whether,
19 you know, you walk into employer -- employer's
20 office and apply for a job and one of the
21 requirements is to display your birth
22 certificate, did you fear that you were going
23 to be harmed when you did that?

24 A. Well, I mean, that's always a fear.

25 Q. All right. So you -- you went into

1 these jobs and you felt that this -- this
2 particular individual was going to be dangerous
3 for you to disclose your birth certificate to?

4 A. A few of them, yes.

5 Q. Which -- which ones?

6 A. There was a couple that I gave it
7 to that were wearing pieces of clothing that
8 made me understand that it could be a danger.

9 Q. So you -- you suspected or were
10 concerned about harm based on the items of
11 clothing that the person receiving your
12 application was wearing; is that accurate?

13 A. Yes.

14 Q. And what were those articles of
15 clothing? Can you give me an example?

16 A. The best example I can give is a
17 "Make America Great Again" hat.

18 Q. Did that person say or do anything
19 to you to confirm your fear of being harmed?

20 A. I'm not sure how to answer that.
21 Can you repeat that?

22 Q. Sure. Yeah. I mean, you -- you
23 went into the place that -- the job, right, the
24 office to apply for the job, and this person
25 was wearing a Donald Trump campaign hat or

1 shirt or something, and you indicated that that
2 made you fearful to show them your birth
3 certificate, right?

4 A. Yes.

5 Q. And what I'm asking is: After you
6 showed them your birth certificate, did they do
7 anything to confirm your fear of harm?

8 A. No.

9 Q. Okay. And have you ever been or
10 received bodily harm or anything like bodily
11 harm based on the disclosure of your birth
12 certificate?

13 A. No.

14 MR. BLAKE: I don't have any other
15 questions at this time.

16 MS. INGELHART: Thank you, Jake. I
17 don't think I have any questions.

18 (The deposition was concluded at
19 3:00 p.m.)
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1 Whereupon, counsel was requested to give
2 instruction regarding the witness's review of
3 the transcript pursuant to the Civil Rules.

4

5 SIGNATURE:

6 Transcript review was requested pursuant to the
7 applicable Rules of Civil Procedure.

8

9 TRANSCRIPT DELIVERY:

10 Counsel was requested to give instruction
11 regarding delivery date of transcript.

12 Mr. Blake original regular.

13 Ms. Ingelhart copy regular.

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REPORTER'S CERTIFICATE

The State of Ohio,)

SS:

County of Fairfield.)

I, Kimberly A. Kaz, RPR, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, ASHLEY BREDA, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.

1 I do further certify that I am not
2 a relative, counsel or attorney for either
3 party, or otherwise interested in the event of
4 this action.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand and affixed my seal of office at
7 Cleveland, Ohio, on this 11th day of
8 September, 2019.

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14 Kimberly A. Kaz, RPR, Notary Public
15 within and for the State of Ohio
16

17 My commission expires March 31, 2023.
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25

Veritext Legal Solutions
1100 Superior Ave
Suite 1820
Cleveland, Ohio 44114
Phone: 216-523-1313

September 11, 2019

To: Kara N. Ingelhart, Esq.

Case Name: Ray, Stacie, Et al. v. Director, Ohio Department Of Health,
Et Al.

Veritext Reference Number: 3493797

Witness: Ashley Breda Deposition Date: 8/21/2019

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown

above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,

Production Department

NO NOTARY REQUIRED IN CA

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3493797

CASE NAME: Ray, Stacie, Et al. v. Director, Ohio Department Of
Health, Et Al.

DATE OF DEPOSITION: 8/21/2019

WITNESS' NAME: Ashley Breda

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have made no changes to the testimony
as transcribed by the court reporter.

Date

Ashley Breda

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;

They signed the foregoing Sworn
Statement; and

Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal

this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3493797

CASE NAME: Ray, Stacie, Et al. v. Director, Ohio Department Of Health, Et Al.

DATE OF DEPOSITION: 8/21/2019

WITNESS' NAME: Ashley Breda

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

Date

Ashley Breda

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;
They have listed all of their corrections
in the appended Errata Sheet;
They signed the foregoing Sworn
Statement; and
Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

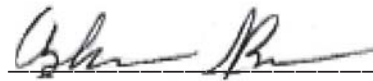
Commission Expiration Date

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ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST
ASSIGNMENT NO: 3493797

PAGE/LINE(S) / CHANGE / REASON
84:1 / "like" should be "mind" / transcription error

10/15/19



Date Ashley Breda

SUBSCRIBED AND SWORN TO BEFORE ME THIS

DAY OF , 20 .

Notary Public

Commission Expiration Date

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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